UNITED STATES DEPARTMENT OF LABOR
JAMES J. DAVIS, Secretary
BUREAU OF LABOR STATISTICS
ETHELBERT STEWART, Commissioner

BULLETIN OF THE UNITED STATES BUREAU OF LABOR STATISTICS . . . . No. 496

WORKMEN'S COMPENSATION AND INSURANCE SERIES

WORKMEN'S COMPENSATION LEGISLATION OF THE UNITED STATES AND CANADA AS OF JANUARY 1, 1929

WITH TEXT OF LEGISLATION ENACTED IN 1927 AND 1928

NOVEMBER, 1929

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no. 496

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U. S. BUREAU OF LABOR STATISTICS

NO. 496 WASHINGTON NOVEMBER, 1929

WORKMEN'S COMPENSATION LEGISLATION OF THE UNITED STATES AND CANADA AS OF JANUARY 1, 1929

INTRODUCTION

The present bulletin contains a discussion of the principal features of the workmen's compensation laws of the United States and Canada as of January 1, 1929. The material is presented in such form as to make comparisons of the most important provisions as clear as possible consistent with brevity.

Part I contains a discussion of the various laws in the United States, with a chart as of January 1, 1929. Part II presents similar material for Canada.

Parts III and IV contain an analysis of the principal features of the legislation enacted during 1927 and 1928 in the United States and Canada and Parts V and VI contain the text or abridgments of legislation enacted during this period in the United States and Canada. Parts III, IV, V, and VI are essentially supplementary to Bulletin No. 423 issued in 1926, which contains all the legislation in force at the end of the year 1926.

Numerous changes have been made during 1927 and 1928. The Congress of the United States enacted a longshoremen's and harbor workers' compensation act and provided for the extension of the provisions of this act to the employers and employees of the District of Columbia. The Philippines were added to the list of States and Territories having compensation legislation. The Legislatures of Alaska, Kansas, Porto Rico, and Quebec enacted new workmen's compensation laws, and many important amendments were passed by the various other legislatures.

On account of the great length of many of the compensation laws and the slight change affected by many of the amendments, it has been thought sufficient in this supplemental bulletin to indicate minor changes of phraseology and substance without a reproduction of the entire text of the lengthy section or sections amended. This facilitates a comparison between the prior and the amended law, the effect of the amendment being immediately evident. Where changes have been more extensive it has been, of course, necessary to reproduce the amended portion or portions.

PART I

COMPARISON OF WORKMEN'S COMPENSATION LAWS OF THE UNITED STATES

COMPARISON OF THE LAWS

The adoption of workmen's compensation for industrial injuries in lieu of the rule of the employer's liability for injuries due to his negligence stands out in its effect on the status of the worker as one of the most important legal-economic developments of modern times. A right to relief based on the fact of employment, practically automatic and certain, replaces the doubtful contest for a recovery based on proof of the employer's negligence and of the absence of the common-law defenses.

Abroad, Germany in 1884 and Great Britain in 1897 and 1906 were influential in turning attention to the system of benefits for injuries due to employment, not necessarily to a proved negligent act. Laws of Maryland (1902, 1910) and Montana (1909) were results of early efforts to enact State laws, but without adequate regard for either legal or economic principles. The first official recognition of the principle by the Congress of the United States was the Federal act of 1908, providing limited benefits for designated classes of employees of the United States; though acts of 1882 (Life Saving Service) and 1900 (Postal Service) had made some provision of this nature for the services indicated.

Concurrently with these dates the subject came to attract quite general attention from State legislatures. Investigative commissions began to be provided for as early as 1903 (Massachusetts) and 1905 (Illinois), but no legislative results followed. Later commissions in both these States, and two and even three commissions in others, indicate the degree of caution with which the approach was made to the subject of compensation legislation. The following tables show the progress of action, both in the appointment of commissions and in the enactment of laws:

TABLE 1.—STATES, ETC., IN WHICH COMMISSIONS WERE APPOINTED AND IN WHICH COMPENSATION LAWS WERE ENACTED, BY YEARS

State, etc.	Year commission was appointed	Year compensation law was enacted	State, etc.	Year commission was appointed	Year compensation law was enacted
Alabama	1915	1919	Indiana	1913	1915
Alaska	----------	1915	Iowa	1911	1913
Arizona	----------	1912	Kansas	----------	1911
Arkansas	1919	----------	Kentucky	[1] 1915	[2] 1914; 1916
California	----------	1911	Louisiana	1912	1914
Colorado	1911	1915	Maine	----------	1915
Connecticut	1907	1913	Maryland	[3] 1913	1912
Delaware	1911	1917	Massachusetts	1903	1911
District of Columbia:			Michigan	1911	1912
Public employees	----------	1919	Minnesota	[3] 1909	1913
Private employees	----------	1928	Missouri	1910	[4] 1919; 1925
Georgia	----------	1920	Montana	[3] 1910	[2] 1909; 1915
Hawaii	----------	1915			
Idaho	----------	1917			
Illinois	1905	1911			

TABLE 1.—STATES, ETC., IN WHICH COMMISSIONS WERE APPOINTED AND IN WHICH COMPENSATION LAWS WERE ENACTED, BY YEARS—Continued

State, etc.	Year commission was appointed	Year compensation law was enacted	State, etc.	Year commission was appointed	Year compensation law was enacted
Nebraska	1911	1913	Rhode Island	----------	1912
Nevada	----------	1911	South Dakota	----------	1917
New Hampshire	----------	1911	Tennessee	1913	1919
New Jersey	1910	1911	Texas	1911	1913
New Mexico	----------	1917	Utah	1915	1917
New York	1909	[5] 1910 1913	Vermont	1913	1915
North Dakota	1911	1919	Virginia	1916	1918
Ohio	1910	1911	Washington	[3] 1910	1911
Oklahoma	----------	1915	West Virginia	[3] 1911	1913
Oregon	[3] 1911	1913	Wisconsin	1909	1911
Pennsylvania	1911	1915	Wyoming	----------	1915
Philippine Islands	----------	1905 1927	United States:		
Porto Rico	1913	1916	Public employees	1910	1908 1916
			Longshoremen	----------	1927

[1] Voluntary.
[2] Law declared unconstitutional.
[3] Appointed by the governor.
[4] Rejected on referendum.
[5] 2 laws, 1 (compulsory) declared unconstitutional.

TABLE 2.—NUMBER OF WORKMEN'S COMPENSATION COMMISSIONS AND LAWS, BY YEARS

Year	Commissions formed or provided for	States, etc., enacting original law	Year	Commissions formed or provided for	States, etc., enacting original law	Year	Commissions formed or provided for	States, etc., enacting original law
1903	1	[1]	1912	1	4	1919	1	4
1905	1	----------	1913	7	7	1920	----------	1
1907	2	----------	1914	----------	2	1927	----------	2
1908	----------	[2] 1	1915	3	9	1928	----------	1
1909	3	1	1916	1	1			
1910	8	1	1917	----------	5	Total	40	50
1911	12	10	1918	----------	1			

[1] Philippine Islands. [2] United States.

The 40 commissions above accounted for operated in 32 jurisdictions, while laws have been enacted by the legislatures of 43 States, the Territories of Alaska and Hawaii, the Philippine Islands, and Porto Rico, and by Congress for the civil employees of the Federal Government, for the District of Columbia, and for longshoremen and harbor workers. Not every law has been preceded by a commission, therefore; but every commission except that of Arkansas, appointed in 1919, has been followed by the enactment of a law, though in some cases so remotely as to suggest a lack of any real connection between the two events. Indeed, the United States commission considered only a statute relating to railroad employees, as to whom no law has yet been enacted. The year 1911 was marked by the creation of the largest number of commissions as well as by the enactment of the largest number of laws. But one investigative commission has been appointed since 1916—that of Arkansas—said to be to remove constitutional objections to a pending bill; only five have been created since 1913, and it is obvious that the day of their usefulness is ended, either as an aid in determining the desirability of compensation legislation or of working out deviations from accepted standards so as to meet supposed local peculiarities.

PROGRESS OF LEGISLATION

Reference to the foregoing tables discloses both the progress and extent of compensation legislation. All laws now on the statute books have either followed the investigations of commissions or have been enacted under conditions making the results of such commissions available to those interested.

The first of the laws of this class is the elective compensation law of New York, 1910, followed at the same session by a compulsory law for hazardous occupations. The latter law was declared unconstitutional after a very brief term of existence, but after an amendment to the constitution a new law was passed which has been sustained by both the State and the Federal courts.

Of the 10 laws enacted in 1911, 7 provided for simple compensation, 3 containing also provisions for insurance; while in 1912, three States enacted compensation laws and one an insurance law; in 1913 seven States were added to the list, in five of which compensation only was provided for, while in two there is also a system of insurance. In 1914 compensation laws were enacted in two States, though in one (Kentucky) the law was declared unconstitutional before the time for it to take effect. Of the 10 new laws enacted in 1915 (1 taking the place of the unconstitutional statute of Montana), 9 provided for compensation merely, while 1 established an insurance system. A new compensation law was passed in Kentucky in 1916, in lieu of the earlier law declared unconstitutional; this and a law of Porto Rico which requires the insurance of the liabilities fixed by it are the only new laws of the year, though important amendments were made in Louisiana and New York. Indeed, practically every year is marked by amendments whose tendency is in general to strengthen the laws and enlarge their scope.

The extension of compensation legislation to five additional States in 1917, one in 1918, four in 1919, besides the inclusion of public employees of the District of Columbia, one in 1920, and the extension of compensation to longshoremen in 1927 and to private employment in the District of Columbia in 1928, marks the present bounds of compensation legislation. Of these, two of the laws of 1918, one in 1919, and the Arizona law of 1925, provide for a State insurance system, though in only one of them is this system exclusive. The Missouri enactment of 1919 was rejected by a referendum vote, as was one of 1923. A new enactment (1925) was voted on November 2, 1926; it was adopted, coming into effect November 2, 1926.

The table below shows in chronological order the States, etc.,[1] that have enacted compensation laws.

---

[1] In the discussion that follows the word "State" will be used to include all jurisdictions, Territorial and other.

TABLE 3.—STATES HAVING COMPENSATION LAWS, WITH THE DATE OF THEIR ENACTMENT AND COMING INTO EFFECT

State	Approved	Effective	State	Approved	Effective
United States [1]	May 30, 1908	Aug. 1, 1908	Montana [2]	Mar. 8, 1915	July 1, 1915
Washington	Mar. 14, 1911	Oct. 1, 1911	Oklahoma	Mar. 22, 1915	Sept. 1, 1915
Kansas	do	Jan. 1, 1912	Vermont	Apr. 1, 1915	July 1, 1915
Nevada	Mar. 24, 1911	July 1, 1911	Maine	do	Jan. 1, 1916
New Jersey	Apr. 4, 1911	July 4, 1911	Colorado	Apr. 10, 1915	Aug. 1, 1915
California	Apr. 8, 1911	Sept. 1, 1911	Hawaii	Apr. 28, 1915	July 1, 1915
New Hampshire	Apr. 15, 1911	Jan. 1, 1912	Alaska	Apr. 29, 1915	July 28, 1915
Wisconsin	May 3, 1911	May 3, 1911	Pennsylvania	June 2, 1915	Jan. 1, 1916
Illinois	June 10, 1911	May 1, 1912	Kentucky [3]	Mar. 23, 1916	Aug. 1, 1916
Ohio	June 15, 1911	Jan. 1, 1912	Porto Rico	Apr. 13, 1916	July 1, 1916
Massachusetts	July 28, 1911	July 1, 1912	South Dakota	Mar. 10, 1917	June 1, 1917
Michigan	Mar. 20, 1912	Sept. 1, 1912	New Mexico	Mar. 13, 1917	June 8, 1917
Rhode Island	Apr. 29, 1912	Oct. 1, 1912	Utah	Mar. 15, 1917	July 1, 1917
Arizona	June 8, 1912	Sept. 1, 1912	Idaho	Mar. 16, 1917	Jan. 1, 1918
West Virginia	Feb. 22, 1913	Oct. 1, 1913	Delaware	Apr. 2, 1917	Do.
Oregon	Feb. 25, 1913	July 1, 1914	Virginia	Mar. 21, 1918	Jan. 1, 1919
Texas	Apr. 16, 1913	Sept. 1, 1913	North Dakota	Mar. 5, 1919	July 1, 1919
Iowa	Apr. 18, 1913	July 1, 1914	Tennessee	Apr. 15, 1919	Do.
Nebraska	Apr. 21, 1913	July 17, 1913	Dist. of Columbia [1]	July 11, 1919	Do.
Minnesota	Apr. 24, 1913	Oct. 1, 1913	Alabama	Aug. 23, 1919	Jan. 1, 1920
Connecticut	May 29, 1913	Jan. 1, 1914	Georgia	Aug. 17, 1920	Mar. 1, 1921
New York [2]	Dec. 16, 1913	July 1, 1914	Missouri [3]	Apr. 30, 1925	Nov. 2, 1926
Maryland	Apr. 16, 1914	Nov. 1, 1914	United States:		
Louisiana	June 18, 1914	Jan. 1, 1915	Longshoremen	Mar. 4, 1927	July 1, 1927
Wyoming	Feb. 27, 1915	Apr. 1, 1915	Philippines	Dec. 10, 1927	June 10, 1928
Indiana	Mar. 8, 1915	Sept. 1, 1915	Dist. of Columbia	May 17, 1928	July 1, 1928

[1] Public employees only.
[2] Earlier laws of Montana (1909), New York (1910), and Kentucky (1914), were declared unconstitutional.
[3] The law of Missouri was suspended awaiting the results of a referendum.

The dates given above are the dates of the actual inception of compensation methods in the various jurisdictions. As indicated by the footnotes, earlier laws were enacted in a few States, but were never really operative. The existing laws of a number of jurisdictions, widely differing in some instances from those enacted at the dates given above, are of more recent enactment; but the operation of a compensation law has been continuous since the original act became effective. There are, therefore, at present but five States in the southeastern portion of the Union that are without compensation laws.[2] Efforts have been made, and are continuing, to secure legislation in some, at least, of these States.

Important fields of legislation lie outside of State control, however, and Congress has delayed action in areas exclusively within its jurisdiction. A group of workers that are dependent on Congress for relief are those engaged in maritime employments. The longshoremen and harbor workers generally are localized, but for at least a part of the time are within maritime jurisdiction. Two attempts have been made to amend the Judicial Code so as to permit the application of local compensation laws, but the Supreme Court has held both acts unconstitutional as attempting to remit to the divergent statutes of the States a subject that requires uniform treatment at the hands of Congress alone. In the meantime the acts of 1915 and 1920, relative to seamen, were passed, but each was promptly held not to apply to longshoremen. (*The Hoquiam* (1918), 253 Fed. 627, 165 C. C. A. 253.) This construction prevailed for a number of years, until a decision of the Supreme Court on October 18, 1926, to the effect that the act of 1920, relating to seamen, is applicable to longshoremen. (International Stevedoring Co. *v.* Haverty, 272 U. S. 50.) This

[2] North Carolina, South Carolina, Florida, Mississippi, and Arkansas. The North Carolina Legislature passed a compensation act at its session in 1929, since this article was written.

decision relates to longshoremen only, and not to the very extensive group of harbor workers, repair men, etc., who are also subject at times to maritime jurisdiction.

In 1926 a bill to compensate longshoremen and harbor workers generally was considered by both Houses of Congress, passing the Senate June 3, 1926. It remained in the hands of the House Judiciary Committee until January 14, 1927, when the measure was reported out in an amended form. Subsequent amendments were made, and the bill became a law March 4, 1927, in effect July 1, 1927, as the exclusive remedy for the classes of maritime workers (crews and masters of vessels being excluded) covered by the act. This act compensates occupational diseases as well as accidental injuries, pays 66⅔ per cent of wages as benefits (subject to a weekly maximum of $25), and is administered by deputy commissioners appointed by the United States Employees' Compensation Commission, which formulates rules for the administration of the act.

In the exercise of its function as legislature for the District of Columbia, Congress passed an act approved May 17, 1928, and effective July 1, 1928, extending the longshoremen's and harbor workers' compensation act to private employments in the District of Columbia.

Employees in interstate commerce are also dependent on Congress for remedial legislation, which thus far consists only in a liberalization of the employers' liability rule by acts of 1908 and 1910. Originally applicable only to carriers by railroad, an act of 1915, amended in 1920 (41 Stat. 988, 1007), extends to injured seamen the same rights and remedies as are granted to railroad employees by these acts. As above stated, a Federal commission made an extensive study in 1911–12, of the subject of compensation for injured railroad employees, reporting a bill which passed both Houses, but with amendments that were not agreed upon when the Congress expired. Occasional movements for a law have been made since 1912, but no bill has ever been reported out.

Besides the statutory enactments noted above, there have been constitutional provisions made in a number of States, adopted with a view to the removal or forestalling of objections to compensation legislation on grounds of constitutionality. Thus the constitution of Arizona, adopted on the admission of that State into the Union in 1910 (amended 1925), provides specifically for the enactment of a compensation law. Amendments in favor of such legislation were adopted in 1911 in California, in 1912 in Ohio (again amended in 1923), in 1913 in New York and Vermont, in 1914 in Wyoming, and in 1915 in Pennsylvania. In Oklahoma alone, of all the States where the question has been submitted to the people, was such an amendment rejected. This took place on August 1, 1916, the amendment failing along with eight others submitted at the time. Of this it has been said that the questions passed upon were rejected as a whole on account of other facts than the attitude of the public toward this particular subject.

The importance of such amendments to the Constitution as preliminary to the enactment of compulsory laws has been greatly discounted by reason of decisions of the Supreme Court of the United States upholding compensation laws of various types and form as not in conflict with constitutional provisions; so that in the absence

of specific limitations in the State constitution no bar appears to the enactment of a compensation law compulsory in form and of general application. However, in but two States (California and Illinois) thus far has an original elective law been supplanted by a compulsory one.

TYPES OF LAWS

The rapid growth of compensation legislation, involving, as it has, the almost simultaneous enactment of laws in a number of States, has operated to prevent the adoption of any one form of law as a type, so that, although a single fundamental principle underlies the entire group of laws of this class, its expression and application present great diversity of details in the different States. This extends not only to the primary factors of the scope of the laws and the amount of compensation payable under them but also to the matter of making the laws compulsory or voluntary in their acceptance, the securing or not securing the payments of the benefits, the mode of securing where it is required, methods of administration, of election or rejection, etc.

No fixed form of analysis or summary presentation can give in complete detail the provisions of the laws under consideration. They relate not only to the compensation of accidents but to accident reporting, safety provisions, the enforcement of safety laws, the establishment of insurance systems, premium rates, investments, the scaling down of payments in cases of certain forms of negligence or their increase under certain conditions, procedure in arbitration, forms of appeal, and a great variety of subjects on which it would be impossible to generalize, and which can be discovered only by a reading of the individual statutes. The adoption by a few States of laws generally similar can be clearly recognized, but it is obvious that at the present time it can not be said that any one type of law is predominantly approved. However, it seems none the less certain that the welfare of both employer and employee, as well as the public interest generally, would be served by the general adoption of uniform laws, just and certain in their operations, and not dependent for their acceptance on the personal views or interests of individuals or groups of individuals.

It is encouraging to note in this connection that though there is such diversity and a manifest disposition on the part of some administrative and legislative bodies to regard variations as warranted by local conditions, if not absolutely desirable, there are certain discoverable tendencies to move in a common direction and thus approach a common end. In several States amendments have been made at every session of the legislature since the original enactment. The following comparison of compensation and insurance systems will give an idea of the scope, coverage, and effect of these laws.

COMPARISON OF COMPENSATION AND INSURANCE SYSTEMS

All the States of the Union had workmen's compensation acts at the beginning of the year 1929 except five (Arkansas, Florida, Mississippi, North Carolina, and South Carolina). In addition to these 43 State acts, this article covers the four territorial acts (those of Alaska, Hawaii, Philippines, and Porto Rico), the act for the District of Columbia, for longshoremen, and for the United States civil

employees. These 50 acts will be referred to as "State" acts for convenience, though they apply to districts, Territories, or subject matter not within the control of the States.

Insurance of the employer's liability to pay compensation is recognized as an essential feature of the system in most of the States. This may be effected through private insurance (stock or mutual companies), self-insurance (proof of solvency, with or without the giving of a bond or other security), or by insurance in State funds, which may be exclusive or competitive.

The following table shows for each compensation State, whether compensation is compulsory or elective, and the forms of insurance provided for by the various laws. This table relates only to private employments; for while public employments are covered in whole or in part in most States, and compulsorily in some where the law is elective as to private employments, the subject is of less general interest and complexity.

TABLE 4.—COMPENSATION AND INSURANCE SYSTEMS

State	Compensation compulsory or elective	Insurance required in—	
		State fund: Exclusive or competitive	Private companies or by self-insurance
Alabama	Elective		
Alaska	do		
Arizona	Compulsory [1]	Competitive	Either.
California	do	do	Do.
Colorado	Elective	do	Do.
Connecticut	do		Do.
Delaware	do		Do.
District of Columbia	Compulsory		Do.
Georgia	Elective		Do.
Hawaii	Compulsory		Do.
Idaho	do	Competitive	Do.
Illinois	do		Do.
Indiana	Elective [2]		Do.
Iowa	do		Do.
Kansas	do		Do.
Kentucky	do		Do.
Louisiana	do		Do.
Maine	do		Do.
Maryland	Compulsory	Competitive	Do.
Massachusetts	Elective		Private companies.
Michigan	do	Competitive	Either.
Minnesota	do		Do.
Missouri	do		Do.
Montana	do	Competitive	Do.
Nebraska	do		Do.
Nevada	do	Exclusive	
New Hampshire	do		Self-insurance.
New Jersey	do		Either.
New Mexico	do		Do.
New York	Compulsory	Competitive	Do.
North Dakota	do	Exclusive	
Ohio	do	do	Self-insurance.[3]
Oklahoma	Compulsory		Either.
Oregon	Elective	Exclusive	
Pennsylvania	do	Competitive	Do.
Philippine Islands	Compulsory		Do.
Porto Rico	do	Competitive	Do.
Rhode Island	Elective		Do.
South Dakota	do		Do.
Tennessee	do	Competitive [4]	Do.
Texas	do		Private companies.
Utah	Compulsory	Competitive	Either.
Vermont	Elective		Do.
Virginia	do		Do.
Washington	Compulsory	Exclusive	
West Virginia	Elective	do	Self-insurance.[3]
Wisconsin	do		Either.
Wyoming	Compulsory	Exclusive	
United States longshoremen's act	do		Do.

[1] As to employers. [2] Compulsory as to coal mining.
[3] Employers accepting the act must furnish proof of solvency or give bond; no other provision as to insurance.
[4] Coal mining only.

Of the 49 compensation acts listed in Table 4 (the United States civil employees' act is not listed), 17 are compulsory and 32 are elective. A State fund insurance system exists in 19 of the States listed (the Tennessee fund is limited to coal mining only). Of the 19 States having State fund insurance systems, 7 are exclusive, whereas in 12 the State fund competes with private insurance companies.

The somewhat anomalous provisions of the Idaho statute seem to contemplate an exclusive State fund, but with an option for self-insurance and the deposit of a surety bond or guaranty contract as one means of satisfying the industrial accident board as to the security of payments. The reports of the board indicate, however, that the system is competitive in practice, and that approved private companies are admitted to do business in the State.

A sort of State mutual system, supervised by the State but managed by the employers, is provided for in three States (Kentucky, Massachusetts, and Texas), but these are in effect only private competing organizations.

SCOPE OR COVERAGE

No law undertakes to cover all employments. Various exemptions are made, the most important numerically being the exclusion of agriculture and domestic service. Interstate commerce is exempt because it is subject to the exclusive action of Congress, though its law creates liability and does not provide compensation. Laws that apply only to "hazardous" or "extrahazardous" employments exclude others, thereby distinguished as "nonhazardous." Casual employments are usually exempted, and those not for gain frequently.

Hazardous employments.—States whose laws apply only to hazardous employment are 12 in number—Illinois, Kansas, Louisiana, Maryland, Missouri (when there are less than 10 employees), Montana, New Hampshire, New Mexico, Oklahoma, Oregon, Washington, and Wyoming. Enumeration is made in the laws, but it is not complete in several, a blanket clause being used in some, while in others the commission or board may make additions. The principal industrial employments, with the exception of interstate transportation, are uniformly included in these lists.

Numerical exemptions.—Employers of less than a stipulated number of employees are exempt from the operation of the laws of 23 States. Voluntary acceptance is generally provided for, as is the case in regard to employments not classed as hazardous. The following table shows the list of States in which the number of employees determines coverage:

TABLE 5.—STATES MAKING NUMERICAL EXEMPTIONS, BY MINIMUM REQUIREMENTS

Employers are exempt who have less than—							
2 employees	3 employees	4 employees	5 employees	6 employees	10 employees	11 employees	16 employees
Oklahoma.	Arizona. Kentucky. Ohio. Texas. Utah. Wisconsin.	Colorado. New Mexico. New York.[1]	Alaska. Connecticut. Delaware. Kansas. New Hampshire. Tennessee.	Maine. Rhode Island.	Georgia.	Missouri.[1] Vermont. Virginia.	Alabama.

[1] Numerical exemption applies only in case of nonhazardous employments.

Agriculture and domestic service.—The exclusion of agriculture is universal among the compensation laws of the United States except in Hawaii and New Jersey; and of domestic service except in New Jersey. In California employers and employees engaged in farm work are presumed to have accepted the act unless either rejects the act prior to an injury. Voluntary acceptance of the laws in these occupations is quite generally provided for, though in some cases it appears that their exclusion is intended to be absolute. Threshing grain, etc., is specifically included in Kentucky, Minnesota, and South Dakota (by a separate act).

Public employment.—Employees in the service of the State and its subdivisions and municipalities are included generally in 30 States; in several of these the inclusion is compulsory where the law is elective as to private undertakings. The jurisdictions are: Arizona (if receiving not over $2,400), California, Colorado, Connecticut, District of Columbia, Hawaii, Idaho, Illinois, Indiana, Louisiana, Maine, Michigan, Montana, Nebraska, Nevada, New Jersey (if receiving not over $1,200), New York, North Dakota, Ohio, Oregon, Pennsylvania, Philippine Islands (if receiving not over 800 pesos), Porto Rico, Rhode Island, South Dakota, Utah, Virginia, West Virginia, Wisconsin, and the United States.

In 14 States there is a partial inclusion of public employees (Alabama, Delaware, Georgia, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Minnesota, New Mexico, Oklahoma, Vermont, Washington, and Wyoming).

Public employees are excluded in five States (Alaska, Missouri, New Hampshire, Tennessee, and Texas), though in Missouri and Tennessee the law authorizes an affirmative acceptance of its provisions by the State, its counties, and municipal corporations.

Other exclusions.—Employees whose employment is but casual and (sometimes "or") not in the usual course of the employer's trade or business are quite generally excluded, while outworkers are mentioned in a few laws. Exclusion of employees receiving above a designated wage or salary is provided in a few States, as follows: Hawaii ($36 per week), Missouri ($3,600 per year), North Dakota (executive officers receiving more than $2,400 per year), Philippines ($21 per week), Rhode Island ($3,000 per year), and Vermont ($2,000 per year).

The abrogation of the common-law defenses in suits against nonelecting employers does not apply to logging operations under the law of Maine. Clerical and other occupations not subject to the hazards of the employment are excluded in a few States.

OCCUPATIONAL DISEASES

No law as originally enacted made specific provision for compensating occupational diseases. The dominant idea of accident has given way by degrees, however, until at the present time compensation, either for occupational diseases generally or for designated diseases of this class, is allowed under 17 of the 50 laws analyzed. The Federal civil employees' compensation act and that of North Dakota include under the term "injury" any "disease proximately caused by the employment," while that of California compensates for "any injury or disease arising out of the employment." The

other laws are generally more restrictive in their terms. The States recognizing occupational diseases as entitled to compensation are California, Connecticut, District of Columbia, Hawaii, Illinois (in certain employments by separate act), Massachusetts (by court decision), Minnesota (list), New Jersey (list), New York (list), North Dakota, Ohio (list), Porto Rico (list), Philippines, Wisconsin, and the United States under the Federal employees' compensation act and the longshoremen's act. The law of Kentucky also, by recent amendment, includes "injuries or death due to the inhalation in mines of noxious gases or smoke, commonly known as 'bad air,' and also shall include the injuries or death due to the inhalation of any kind of gas."

ELECTION

In 22[a] of the 32 elective States, election is presumed in the absence of active rejection, this presumption affecting both employer and employee.[b] In 10 States the employer must take positive action, but if he acts the employee's acceptance is presumed, except in Kentucky, where he must sign an acceptance. In 7 of these (Kentucky, Maine, Michigan, Montana, Nevada, New Hampshire, and Rhode Island) acceptances are filed with designated State authorities, while in the other 3 (Massachusetts, Texas, and West Virginia) the act of insuring signifies election.

Inducement to election is offered by the abrogation of the common-law defenses where the employer rejects the law and by continuing them in effect where a rejecting employee sues an employer who has accepted it. Exceptions to this are the laws of New Jersey and Pennsylvania, which abrogate the defenses absolutely, without regard to the acceptance or rejection of the act.

SUITS FOR DAMAGES

Actions for damages are generally forbidden where both parties have accepted the act, but in New Hampshire (an elective State) the employee may, after his injury, choose which remedy he will pursue. Where under an elective law the employer has accepted the act, a rejecting employee may sue, but the employer retains the common-law defenses, except in New Jersey and Pennsylvania. Upon failure of an employer to provide the insurance required by the act or his default in premiums, the employee may, in 28 States,[3] bring action for damages with the common-law defenses removed. Suit may be brought also in 9 States [4] if there is "intent" or "deliberate intent" on the part of the employer to injure, or if the injury is due to his gross negligence or willful misconduct. No suits are permitted in 16 States.[5]

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[a] Alabama, Alaska, Colorado, Connecticut, Delaware, Georgia, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, and Wisconsin.

[b] States having compulsory laws as: Arizona, California, District of Columbia, Hawaii, Idaho, Illinois, Maryland, New York, North Dakota, Ohio, Oklahoma, Philippines, Porto Rico, Utah, Washington, Wyoming, and United States (Federal employees' and longshoremen's acts).

[3] Arizona, California, Connecticut, Delaware, District of Columbia, Indiana, Iowa, Kentucky, Maryland, Michigan, Montana, Nebraska, Nevada, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Porto Rico, Rhode Island, South Dakota, Tennessee, Utah, Washington, West Virginia, Wyoming, United States (longshoremen's act).

[4] Arizona, Kentucky, Maryland, Oregon, Porto Rico, Texas, Utah, Washington, and West Virginia.

[5] Alabama, Alaska, Colorado, Hawaii, Idaho, Illinois, Kansas, Louisiana, Maine, Massachusetts, Minnesota, New Jersey, New Mexico, Vermont, Virginia, and Wisconsin.

WAITING TIME

Most laws require a minimum duration of disability as a condition to the payment of compensation benefits. This does not apply to medical and hospital relief, which is to be provided at once. Two States require no waiting time. Conflicting provisions of the South Dakota statute call for 10 days' waiting time on the one hand, and for compensation from date of injury on certification of disability on the other. In practice the latter provision is said to prevail.

In several States the waiting time is compensated for if the disability continues for a specified term; or a part may be taken up in each of certain consecutive weeks until all is compensated for.

The following table shows the waiting time required in each State; also the number of weeks of disability required for the payment of compensation from date of injury, shown in the figure in parentheses following the name of the State. A waiting period of one week is the most common, being provided for by the laws of 35 States.

TABLE 6.—WAITING TIME REQUIRED BY EACH STATE, AND TERM REQUIRED FOR FULL PAYMENT

No waiting time	3 days	5 days	1 week	10 days	2 weeks
Oregon. South Dakota.[1]	Maryland. Missouri (4). Utah. Washington. United States: Civil employees.	Oklahoma.	Alaska (8). Arizona (2). California. Connecticut (4). District of Columbia (7). Georgia. Hawaii.[2] Idaho.[3] Illinois (4). Indiana. Kansas. Kentucky. Louisiana (6). Maine. Massachusetts (4). Michigan (6). Minnesota (4). Nebraska (6). Nevada (1). New Hampshire (1). New Jersey (7). New York (7). North Dakota (1). Ohio. Pennsylvania. Philippine Islands. Porto Rico. Rhode Island (4). Tennessee (6). Texas (4). Vermont. West Virginia. Wisconsin (3). Wyoming (3). United States: Longshoremen (7).	Colorado. New Mexico. Virginia (6).	Alabama (4). Delaware (4). Iowa.[4] Montana (6).

[1] By administrative construction of conflicting provisions.
[2] From first day of disability in case of partial disability, but no adjudication until after 2 weeks.
[3] One-third taken up in each of fifth, sixth, and seventh weeks of disability.
[4] From date of injury in case of permanent partial disability; in other cases, one-third is taken up in each of fifth, sixth, and seventh weeks of disability.

COMPENSATION SCALE

The amounts actually payable under the acts are determined by three factors—the rate (usually a percentage of the wages), term, and (in most States) a fixed maximum weekly or total payment, or both.

Per cent of wages.—In all but two States (Washington and Wyoming) the amount of compensation is based upon wages. A few States, however, provide fixed lump sums or pensions for certain injuries, but apply the percentage system to all others. In most of the States the prescribed percentage remains uniform for all injuries. A few States have varying percentages for different types of injuries, and in several the percentage varies with conjugal condition and number of children.

Using as a basis the rates for temporary total disability, it appears that 50 per cent of the employees' wages is allowed in compensation in 15 States [Alabama (60 per cent if two or more children), Colorado, Connecticut, Delaware, Georgia, Illinois (65 per cent if three or more children), Montana, New Hampshire, New Mexico, Oregon (40 to 66⅔ per cent, according to number of dependents), Porto Rico, Rhode Island, Tennessee, Vermont, and Virginia]; 55 per cent in 3 States [Idaho (increased 5 per cent for each child, total payments not over $16 weekly), Indiana, and South Dakota]; 60 per cent in 7 States (Hawaii, Iowa, Kansas, Nevada, Philippine Islands, Texas, and Utah); 65 per cent in 7 States (Alaska, Arizona, California, Kentucky, Louisiana, Pennsylvania, and Wisconsin); and 66⅔ per cent in 16 States (District of Columbia, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, West Virginia, and the Federal statutes for civil employees and for longshoremen).

Maximum term and amount.—It is obvious that the reduction of a workman's income by one-half or even by one-third, the most liberal percentage provision, leaves a large proportion of his loss uncompensated. But the burden on the employer is restricted further (and transferred necessarily to the injured employee and his family), since the term of payment is not fixed by the period of disability in most States, but by an arbitrary maximum; death benefits likewise rarely continue for the period of their probable need.

The table following shows for the various States the maximum period and amount of benefits in case of death, permanent total disability, and partial disability. The limitations are in many cases more restrictive for temporary total disability than for permanent total disability, though, where the latter is compensated for life, the former is as a rule compensated during its continuance. In a few cases the rates for temporary disability are higher than for permanent disability. The provisions as to partial disability here reproduced are distinct from those contained in the schedules found in most laws.

TABLE 7.—MAXIMUM PERIODS AND MAXIMUM AMOUNTS OF COMPENSATION PAYABLE IN CASE OF DEATH, PERMANENT TOTAL DISABILITY, AND PARTIAL DISABILITY

State	Death		Permanent total disability		Partial disability	
	Weeks	Amount	Weeks	Amount	Weeks	Amount
Alabama	300	$5,000	550	$5,000	300	
Alaska		9,000		9,000		$7,200
Arizona	Death or	remarriage.	Life.		During disability.	
California		5,000	Life.		[1] 240	5,000
Colorado	312	3,750	Life.		During disability.	3,120
Connecticut	312		520		520	
Delaware	[2] 285		475	4,000	285	
District of Columbia	Death or	remarriage.[3]	Life.	7,500	During disability.	7,500
Georgia	300	5,000	350	5,000	300	
Hawaii	312	5,000	312	5,000	312	5,000
Idaho	400		Life.		150	
Illinois		4,550	Life.		416	
Indiana	300	5,000	500	5,000	300	
Iowa	300		400		225	
Kansas		4,000	416		415	
Kentucky	335	4,000	416	6,000	335	4,000
Louisiana	300		400		300	
Maine	300	4,000	500	6,000	300	
Maryland	416	5,000	Life.	5,000		3,750
Massachusetts	500	6,400	500	4,500	During disability.	4,500
Michigan	300		500	9,000	500	
Minnesota	Death or	remarriage.[3]	Life.	10,000	300	
Missouri	300		[4] 300		100	
Montana	400		500		150	
Nebraska	350		Life.		300	
Nevada	Death or	remarriage.	Life.		260	
New Hampshire		3,000	300		300	
New Jersey	[5] 300		400		500	
New Mexico	300		520		150	
New York	Death or	remarriage.	Life.		During disability.	4,000
North Dakota	Death or	remarriage [6]	Life.	15,000	During disability.	4,680
Ohio	416	6,500	Life.		During disability.	3,750
Oklahoma	Not cove	red.	500		300	
Oregon	Death or	remarriage.	Life.		104	
Pennsylvania	[5] 300		500	6,500	300	
Philippine Islands	208	1,500	208	1,500	208	1,500
Porto Rico		3,000		3,000		2,000
Rhode Island	300		500	5,000	300	
South Dakota		3,000	Life.	3,000	312	
Tennessee	400		550	5,000	300	
Texas	360		401		300	
Utah	312	5,000	Life.		312	5,000
Vermont	260	3,500	260	4,000	260	
Virginia	300	4,500	500	4,500	300	
Washington	Death or	remarriage.	Life.			3,000
West Virginia	Death or	remarriage.	Life.		340	
Wisconsin		5,600	1,000		During disability.	
Wyoming		5,600		8,000		1,500
United States:						
Civil employees	Death or	remarriage.	Life.		During disability.	
Longshoremen	Death or	remarriage.[3]	Life.	7,500	During disability.	7,500

[1] For life if 70 per cent or more disabled.
[2] To orphans or abandoned children, under 16.
[3] Maximum, $7,500.
[4] Then 25 per cent of annual earnings for life.
[5] To minor dependents under 16.
[6] Maximum, $15,000.

There is quite apparent a tendency to recognize the greater economic loss in case of a permanent total disability than in case of death. Death benefits continue under 11 laws [6] for life or until remarriage, while under 21 acts [7] life benefits are paid for permanent

[6] Arizona, District of Columbia, Minnesota, Nevada, New York, North Dakota, Oregon, Washington, West Virginia, United States (civil employees' and longshoremen's acts).
[7] Arizona, California, Colorado, District of Columbia, Idaho, Illinois, Maryland, Minnesota, Missouri, Nebraska, Nevada, New York, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, West Virginia, United States (civil employees' and longshoremen's acts).

total disability. The significance of the latter provision is qualified in a few States by the limitation on the total amount payable, as $3,000 in South Dakota, and $5,000 in Maryland. The District of Columbia and the longshoremen's act have a maximum of $7,500. The $10,000 fixed in Minnesota would be exhausted in 500 weeks at the maximum allowed rate of $20 per week. A comparative liberality in term of payment is affected by the maximum amount payable.

Except in two States,[8] death benefits are a percentage of the employees' wages; in six there is the requirement that the total shall not exceed three or four years' earnings.[9] Minimum periods are 208 weeks (Philippines), 260 weeks (Vermont), and 285 weeks (Delaware). Thirteen States [10] pay for 300 weeks, seven [11] for from 312 to 360 weeks, and six [12] from 400 to 500 weeks. In Delaware, New Jersey, and Pennsylvania payments to certain minors continue to the age of 16, regardless of the expiration of the period fixed.

Weekly maximum and minimum.—Another leveling feature of most laws is the establishment of a weekly maximum and minimum. The former may prevent the higher paid employee from securing the full proportion of his earnings that the percentage provision would indicate, while the minimum named is often affected by the qualification that if the wages received are less than such minimum the amount of the actual wages shall be paid as a benefit. The result of the various restrictions has been computed as placing upon the injured worker about 50 per cent of the burden of industrial accidents in the most favorable States and from 65 to 80 per cent in those less favorable.

In most cases the actual maximum and minimum payments are named, but in a few it is the basic wage that is noted, payments being computable therefrom. No maximum or minimum provision is fixed in two States (Alaska and Arizona). Fixed amounts depending on the number of dependents are payable in Washington. Under the provisions for temporary total disability the Philippines have a maximum of $9 a week. Three States [13] have a maximum of $12, twelve [14] of $15, five [15] of $16, one [16] of $16.50, six [17] of $18, while fifteen [18] permit amounts above $18 per week. Monthly maximums are prescribed in Nevada ($72), Oregon ($97), Wyoming ($90), and by the Federal civil employees' law ($116.66).

Partial disability.—Temporary partial disability is usually compensated for by the payment of a fixed percentage of the wage loss, the term and amount, both weekly and total, being limited. The term and maximum amount fixed by the various statutes are presented in the table on page 17.

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[8] Alaska and Wyoming. See also Washington.
[9] Three years in California, Kansas, New Hampshire; four years in Illinois, South Dakota, Wisconsin.
[10] Alabama, Georgia, Indiana, Iowa, Louisiana, Maine, Michigan, Missouri, New Jersey, New Mexico, Pennsylvania, Rhode Island, and Virginia.
[11] Colorado, Connecticut, Hawaii, and Utah, 312 weeks; Kentucky, 335; Nebraska, 350; Texas, 360.
[12] Idaho, Montana, Tennessee, 400 weeks; Maryland and Ohio, 416; Massachusetts, 500.
[13] Colorado, New Mexico, Virginia.
[14] Alabama, Delaware, Georgia, Iowa, Kentucky, Montana, Nebraska, New Hampshire, Pennsylvania, Porto Rico, South Dakota, and Vermont.
[15] Idaho, Rhode Island, Tennessee, Utah, West Virginia.
[16] Indiana.
[17] Kansas, Maine, Maryland, Massachusetts, Michigan, and Oklahoma.
[18] Ohio, $18.75; Illinois, $19; Wisconsin, $19.50; Hawaii, Louisiana, Minnesota, Missouri, New Jersey, North Dakota, and Texas, $20; California, $20.83; Connecticut, $21; New York, the District of Columbia, and the longshoremen's act, $25.

Permanent partial disabilities are dealt with in two ways—one by paying a percentage of the wage loss, the other by payments for fixed periods for specified injuries. The two methods exist side by side in most States, all the laws but that of New Hampshire and the Federal civil employees' statute having schedules of greater or less fullness, while injuries not included therein are compensated on a percentage basis. In all but three States the schedule payments are weekly amounts based on wages; while in these three (Alaska, Washington, and Wyoming) the payments are fixed sums. In Wisconsin weekly periods are fixed only for "lesser permanent partial" injuries, major injuries being compensated on the basis of percentage of permanent total disability.

Schedule provisions may provide for payments in addition to the period of total disability (healing period) or they may cover the entire allowance for the injury other than medical aid. Such payments are exclusive in 23 States,[19] and are in addition to the healing period in 25.[20] In Massachusetts compensation is paid for the term of total disability, and also for partial disability after the schedule period; the same is true in Rhode Island, subject to a maximum term of 300 weeks. In Maine the schedule payment is in lieu of temporary total disability payments, but subsequent partial disability is compensated to extend not more than 300 weeks from the date of the injury. In New York and under the District of Columbia act and the longshoremen's act the schedule payments are normally in lieu of all other payments, but if the period of temporary total disability is protracted beyond designated periods the schedule period is extended correspondingly. In Georgia a uniform period of 10 weeks is allowed as healing time.

The following table shows the number of weeks' payments provided by the laws of the several States for the injuries specified:

TABLE 8.—NUMBER OF WEEKS FOR WHICH COMPENSATION IS PAYABLE FOR SPECIFIED INJURIES IN THE SEVERAL STATES

State	Loss of—													
	Arm (at shoulder)	Hand	Thumb	Index finger	Middle finger	Ring finger	Little finger	Leg (at hip)	Foot	Great toe	Other toe	Sight of 1 eye	Hearing, 1 ear	Hearing, both ears
Ala.[a]	200	150	60	35	30	20	15	175	125	30	10	100	------	150
Ariz.[b]	260	217	65	39	30	22	17	217	179	30	11	108	87	260
Calif.[a]	[c] 246	[c] 186	[c] 42	[c] 34	[c] 25	[c] 25	[c] 16	[c] 206	[c] 166	[c] 34	------	[c] 125	------	------
Colo.[b]	208	104	35	18	13	7	9	208	104	18	4	104	35	139
Conn.[b]	208	175	60	38	30	25	20	208	156	38	13	156	52	156
Del.[a]	194	158	60	35	30	20	15	194	135	30	10	113	------	------
D. C.[d]	312	244	75	46	30	25	15	288	205	38	16	160	52	200
Ga.[b]	200	150	60	35	30	20	15	175	125	30	10	100	------	150
Hawaii [b]	312	244	60	46	30	25	15	288	205	38	16	128	60	312
Idaho [e]	200	150	30	20	15	12	9	180	125	15	6	100	35	115

[a] Payments under this schedule are exclusive of or in lieu of all other payments.

[b] Payments under this schedule are in addition to payments for temporary total disability during the healing period.

[c] Compensation varies with occupation and age. Figures given are for laborer, 45 years of age.

[d] In lieu of other payments unless period of temporary total disability exceeds fixed periods for each class of injury.

[e] Payments under this schedule are in addition to payments for temporary total disability during the healing period. 99 per cent of specific schedule to be paid employee. Employer must pay 2 per cent additional to specific indemnity fund.

[19] Alabama, Alaska, California, Delaware, District of Columbia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Missouri, Montana, New York, Oklahoma, Pennsylvania, Philippines, Tennessee, Texas, West Virginia, Wisconsin, United States (longshoremen's act).

[20] Arizona, Colorado, Connecticut, Georgia, Hawaii, Idaho, Illinois, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oregon, Porto Rico, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, and Wyoming.

TABLE 8.—NUMBER OF WEEKS FOR WHICH COMPENSATION IS PAYABLE FOR SPECIFIED INJURIES IN THE SEVERAL STATES—Continued

State	Loss of—													
	Arm (at shoulder)	Hand	Thumb	Index finger	Middle finger	Ring finger	Little finger	Leg (at hip)	Foot	Great toe	Other toe	Sight of 1 eye	Hearing, 1 ear	Hearing, both ears
Ill.[b]	225	170	70	40	35	25	20	190	135	35	12	120	------	------
Ind.[a]	250	200	60	40	35	30	20	200	150	60	20	150	------	100
Iowa[a]	225	150	40	30	25	20	15	200	125	25	15	100	50	150
Kans.[a]	210	150	60	37	30	20	15	200	125	30	10	110	25	100
Ky.[a]	200	150	60	45	30	20	15	200	125	30	10	100	------	------
La.[a]	200	150	50	30	20	20	20	175	125	20	10	100	------	------
Me.[f]	150	125	50	30	25	18	15	150	125	25	10	100	------	------
Md.[b]	200	150	50	30	25	20	15	175	150	25	10	100	50	100
Mass.[g]	50	[h] 50	12	12	12	12	12	50	50	12	12	50	------	------
Mich.[a]	200	150	60	35	30	20	15	175	125	30	10	100	------	------
Minn.[b]	200	175	60	35	30	20	15	200	150	30	10	100	52	156
Mo.[a]	232	175	60	45	35	35	22	207	150	40	14	118	44	168
Mont.[a]	200	150	30	20	15	12	9	200	125	15	6	100	------	120
Nebr.[b]	225	175	60	35	30	20	15	215	150	30	10	125	50	100
Nev.[b]	260	217	65	39	30	22	17	217	173	30	11	108	87	260
N. J.[b]	230	175	65	40	30	20	15	175	125	30	10	100	40	160
N. Mex.[b]	150	110	30	20	15	10	12	140	100	15	8	100	35	135
N. Y.[d]	312	244	75	46	30	25	15	288	205	38	16	160	60	150
N. Dak.[b]	234	195	45	29¼	24¾	15¾	13½	234	136½	19½	7½	100	29¼	156
Ohio[b]	200	150	60	35	30	20	15	175	125	30	10	100	------	------
Okla.[a]	250	200	60	35	30	20	15	175	150	30	10	100	------	------
Oreg.[b]	416	329	104	69	39	35	26	381	277	43	17	173	156	416
Pa.[a]	215	175	60	35	30	20	15	215	150	------	------	125	------	------
P. I.[a]	208	160	40	30	25	20	10	190	130	25	10	84	40	208
R. I.[a]	100	80	25	18	13	10	9	100	70	15	5	80	------	------
S. Dak.[b]	200	150	50	35	30	20	15	160	125	30	10	100	------	------
Tenn.[a]	200	150	60	35	30	20	15	175	125	30	10	100	------	150
Tex.[a]	200	150	60	45	30	21	15	200	125	30	10	100	------	150
Utah[b]	200	150	30	20	15	12	9	180	125	15	6	100	------	------
Vt.[b]	170	140	40	25	20	15	10	170	120	20	10	100	43	170
Va.[b]	200	150	60	35	30	20	15	175	125	30	8	100	50	------
W. Va.[a]	240	200	80	40	28	20	20	240	140	40	16	132	------	------
Wis.[a]	------	------	------	35	25	15	16	------	------	25	8		------	------
U. S.[i]	312	244	75	46	30	25	15	288	205	38	16	160	52	200

[a] Payments under this schedule are exclusive of or in lieu of all other payments.
[b] Payments under this schedule are in addition to payments for temporary total disability during the healing period.
[c] Compensation varies with occupation and age. Figures given are for laborer, 45 years of age.
[d] In lieu of other payments unless period of temporary total disability exceeds fixed periods for each class of injury.
[e] Payments under this schedule are in addition to payments for temporary total disability during the healing period. 99 per cent of specific schedule to be paid employee. Employer must pay 2 per cent additional to specific indemnity fund.
[f] Payments cover total disability. Partial disability based upon wage loss may be compensated at end of periods given for not over 300 weeks in all.
[g] Payments under this schedule are in addition to payments for temporary total and permanent partial disability.
[h] Right hand, 75 weeks.
[i] Longshoremen. In lieu of other payments unless period of temporary total disability exceeds fixed period for each class of injury.

MEDICAL BENEFITS

All compensation States now provide medical benefits. Under 14 laws[21] neither time nor amount is limited. The period is without limit in 8 other States which limit the amount, while the time but not the amount is limited in 11 States. However, time or amount or both may be increased in the discretion of the commission in 19 States, so that there are but 8 States[22] in which both items are absolutely restricted.

[21] California, Connecticut, District of Columbia, Hawaii, Idaho, Illinois, Nebraska, New York, North Dakota, Porto Rico, Philippines, Washington, and United States (civil employees' and longshoremen's acts).
[22] Alabama, Colorado, Montana, New Mexico, Rhode Island, South Dakota, Tennessee, and Vermont.

The provision is generally without cost to the workman, but in Alaska the employer may deduct $2.50 per month, in Arizona and Nevada, one-half the cost, not over $1 per month, and in Washington one-half the cost, from the employee's wages to maintain a medical fund.

The following table presents the facts in more detail:

TABLE 9.—MAXIMUM PERIODS AND AMOUNTS OF MEDICAL SERVICE UNDER VARIOUS COMPENSATION LAWS

State	Maximum period	Maximum amount	State	Maximum period	Maximum amount
Alabama	60 days	$100	Nevada	6 months [1]	[2] Unlimited.
Alaska	1 year	[2] Unlimited.	New Hampshire	14 days	Unlimited.
Arizona	90 days [1]	[2] Unlimited.	New Jersey	Unlimited	[1] $100
California	Unlimited	Unlimited.	New Mexico	10 days	150
Colorado	60 days	200	New York	Unlimited	Unlimited.
Connecticut	Unlimited	Unlimited.	North Dakota	do	Unlimited.
Delaware	30 days [1]	[1] 100	Ohio	do	[1] 200
District of Columbia	Unlimited	Unlimited.	Oklahoma	60 days [1]	[1] 100
Georgia	30 days [1]	100	Oregon	Unlimited	[1] 250
Hawaii	Unlimited	Unlimited.	Pennsylvania	30 days	[1] 100
Idaho	do	Unlimited.	Philippines	Unlimited	Unlimited.
Illinois	Unlimited	Unlimited.	Porto Rico	do	Unlimited.
Indiana	30 days [1]	Unlimited.	Rhode Island	8 weeks	150
Iowa	4 weeks	[1] 100	South Dakota	12 weeks	200
Kansas	60 days	[1] 100	Tennessee	30 days	100
Kentucky	90 days [1]	[1] 100	Texas	4 weeks [1]	Unlimited.
Louisiana	Unlimited	250	Utah	Unlimited	[1] 500
Maine	30 days [1]	[1] 100	Vermont	2 weeks	[3] 50
Maryland	Unlimited	500	Virginia	60 days	Unlimited.
Massachusetts	2 weeks [1]	Unlimited.	Washington	Unlimited [2]	Unlimited.
Michigan	90 days	Unlimited.	West Virginia	do	800
Minnesota	do.[1]	Unlimited.	Wisconsin	90 days [1]	Unlimited.
Missouri	60 days [1]	250	Wyoming	Unlimited	300
Montana	6 months	500	United States:		
Nebraska	Unlimited	Unlimited.	Civil employees	do	Unlimited.
			Longshoremen	do	Unlimited.

[1] Additional service in special cases or at discretion of commission.
[2] Employees contribute.
[3] Also hospital first 30 days, maximum, $150.

ADMINISTRATION AND SETTLEMENT OF CLAIMS

The desirability of an administrative agency charged specifically with the supervision of the compensation laws is recognized by all but seven States [23] having such laws. In these States the agreements between the parties may be without supervision, or there may be provision for approval by the court. Summary procedure is generally directed, but a jury trial may be demanded in certain cases. Appeals to courts, usually limited to questions of law, are provided for in practically all jurisdictions.

ACCIDENT REPORTING AND PREVENTION

Nothing is more striking in connection with the subject of accident reporting than its lack of uniformity. The importance of complete reports, showing causes, nature, severity, and costs has been too little recognized, even among those charged with the administration of the laws; while the employer has been too prone to minimize or disregard the occurrence of accidents except as an unfortunate incident and a possible source of an action for damages. The necessity of securing

[23] Alabama (limited supervision by compensation commissioner), Alaska, Louisiana, New Hampshire, New Mexico, Tennessee, and Wyoming (fund is supervised by State treasurer).

complete data for purposes of safety engineering, as well as for the determination of fair and adequate insurance rates is, however, gaining recognition, but much yet remains to be done before actually comparable reports from the various States are available.

Only 26 States [24] call for reports of all accidents, while 11 require reports of those causing disability of one day [25] or more than one day.[26] Other periods prescribed are: More than two days, Pennsylvania; one week, Georgia (or requiring medical, etc., aid) and Rhode Island; more than one week, Illinois; 10 days, Colorado; and over two weeks, Alabama. In four States [27] reports are to be made as directed or required by the authorities. The States [28] whose compensation laws contain no provisions for reports of accidents have other laws on the subject, limited, however, to coal mines, except in Louisiana, which requires reports of accidents causing disability of two weeks or more where women and children are employed. In Tennessee, besides the reports by coal operators in the State fund, mine operators generally and employers in mills, factories, etc., must report, the former to the chief mine inspector and the latter to the division of workmen's compensation.

Existing deficiencies in the compensation laws in regard to accident reporting and prevention are offset to some extent by the fact that most States, particularly those of industrial importance, have inspection agencies for factories, mines, etc., which are charged with duties of prevention, chiefly by way of enforcing safety statutes, though some may also prescribe standards. Though some development appears in the direction of combining compensation administration with the enforcement of labor laws generally, the present situation is one of distributed rather than consolidated responsibility. However, the agency that administers compensation laws is also given certain powers as to safety devices, at least of inspection, in 18 States.[29]

NONRESIDENT ALIEN DEPENDENTS

The reopening of the question of discriminatory treatment of alien nonresident dependents came with the enactment of compensation laws. The rule had become almost universal under the liability system, that they should have the same status as residents or citizens of the States; but of the 22 State compensation laws on the statute books at the close of the year 1913 nearly one-third (7) made discriminations unfavorable to such claimants, while in 1916, of 35 States nearly one-half (17) effected discriminations. At the present time, of 50 laws analyzed, 32 have provisions more or less discriminatory, so that an increasing tendency in the directon of less favorable treatment is recognizable. This may be by way of exclusion (5 States [30]), reduced benefits (18 States [31]), permitting commutations

[24] Arizona, California (involving time loss or medical aid), Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Porto Rico, South Dakota, Tennessee (in coal mines in State fund), Utah, Virginia, Washington, Wisconsin, Wyoming, and United States (civil employees' and longshoremen's acts).
[25] Connecticut, Hawaii, Idaho, Minnesota, Philippines, and Vermont (or requiring medical aid).
[26] Indiana, Iowa, Kentucky, New York, and Texas.
[27] Kansas, Nebraska, New Hampshire, and West Virginia.
[28] Alaska, Louisiana, and New Mexico.
[29] Arizona, California, Colorado, Hawaii, Idaho, Indiana, Maryland, Montana, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Utah, Vermont, West Virginia, and Wisconsin.
[30] Alabama, Hawaii, New Mexico, Philippines, and South Dakota.
[31] Alaska, Arizona, Colorado, Delaware, Georgia, Idaho, Iowa, Kansas, Kentucky, Maine, Michigan, Montana, Nevada, Pennsylvania, Utah, Virginia, Washington, and Wyoming.

to lump sums in reduced amounts (6 States [32]), restricting possible beneficiaries to persons of designated relationship, a provision that may exist alone or in connection with reduced benefits (12 States [33]), or the presumption of dependency may be destroyed (California), or excluding payments to beneficiaries in countries with which the United States does not maintain diplomatic relations (Washington).

In 7 States,[34] nonresident aliens are placed on the same footing as residents, while in 11 [35] they are not mentioned. In 4 of these latter (Indiana, Massachusetts, North Dakota, and Rhode Island) they have been included by administrative or court action, as is the case with the Federal employees' statute.

A number of States except residents of Canada from their discriminatory provisions, or declare such provisions subject to conflicting terms of any treaty, or deny all benefits to aliens whose national laws would exclude citizens of the United States in like circumstances.

A conspectus of the items discussed in the foregoing pages is given in the accompanying chart.

The text of the laws appears on pages 53 to 216.

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[32] District of Columbia, Maryland, Nebraska, New York, Oklahoma, and United States (longshoremen's act).

[33] Delaware, District of Columbia, Kentucky, Maryland, Nebraska, New York, Oregon, Pennsylvania, Washington, West Virginia, Wyoming, and United States (longshoremen's act).

[34] Connecticut, Illinois, Minnesota, Ohio, Tennessee, Texas, and Wisconsin.

[35] Indiana, Louisiana, Massachusetts, Missouri, New Hampshire, New Jersey, North Dakota, Porto Rico, Rhode Island, Vermont, and United States (civil employees).

PART II

COMPARISON OF WORKMEN'S COMPENSATION LAWS OF CANADA

PROGRESS OF LEGISLATION

Compensation legislation in Canada has an earlier origin than in the United States, due undoubtedly to the influence of Great Britain. The British act of 1897, extended in 1900, and replaced by an act of 1906 is of a type quite distinct from that adopted by any State of the United States. However, it very naturally furnished a model for the earlier legislation of the Provinces which first took action of this kind. Following is a list of the Provinces having laws of this type, arranged in chronological order of the enactment of the original law:

British Columbia	1902
Alberta	1908
Quebec	1909
Manitoba	1910
Nova Scotia	1910
Ontario	1914
Yukon Territory	1917
New Brunswick	1918

The act of British Columbia of 1902 continued in force until 1916, and that of Alberta of 1908 was not superseded until 1918. New laws were enacted in Nova Scotia and Manitoba in 1915 and 1916, respectively, again in Manitoba in 1920, and a revision and consolidation in Quebec in 1926 and again in 1928.

Arbitrators and judges of courts were the recourse for the settlement of disputes under the older laws, and the very limited recoveries provided fell far short of the liberality of the law of Ontario, for instance, which Province first came into line in 1914 with a law patterned after the United States type rather than that of Great Britain. Some of the Provinces appointed commissions to investigate the workings of statutes in the States before revising existing legislation or enacting new laws. This has been influential in establishing throughout the two adjacent countries a system of legislation comparable in many aspects. The later laws are administered by special boards in most instances, Yukon Territory being the exception. Prince Edward Island and Saskatchewan are as yet without any compensation legislation, the so-called compensation law of the latter Province being in fact a liability statute.

An act of the Dominion Parliament of 1918 provides that employees of the Federal Government killed or injured in their work shall come under the compensation law of the Province in which the accident occurred.

CANADIAN AND UNITED STATES LAWS COMPARED

An analysis of the Canadian laws shows a number of striking characteristics and of deviations from the type of compensation act prevalent in the United States. Some of the more important of these are the following:

1. In Canada there is a noticeable uniformity among most of the compensation laws. This uniformity applies to the scope of the

acts, benefits, injuries covered, administration, and procedure. In the compensation acts of the United States many variations are in evidence.

2. In Canada all of the laws are compulsory as to the employers coming within the scope of the act. In the United States only 18, including the United States civil employees' act, are compulsory while 32 are elective.

3. In Canada the scope of the law in each Province (Yukon Territory excepted) is limited to enumerated employments, though the lists are quite inclusive. There is some diversity in the number of such employments, but the principal hazardous industries are covered, including manufacturing, mining, construction, and transportation. In the United States only 12 States limit their scope to the so-called hazardous industries, while 38 States cover industries generally.

4. In Canada occupational diseases are compensable in every Province except Quebec and Yukon Territory. Such diseases, however, are limited to those enumerated in the statutory schedule. In the United States only 17 of the 50 laws include occupational diseases.

5. In Canada all of the Provinces except Quebec and Yukon Territory have exclusive State insurance funds. In Ontario, however, employers under schedule 2 (municipalities, railroad, express, telephone, telegraph, and navigation) are permitted self-insurance. In Nova Scotia employers under schedule III insure fishing industry risks with private companies. In the United States only 7 of the 50 compensation laws have exclusive State funds, while 12 have competitive State funds.

6. In Canada probably the most significant characteristic of compensation legislation is the assumption of liability on the part of the Province having insurance funds for the solvency of such funds, any temporary deficit being made up from other provincial funds. Under no law of any State of the United States is such liability assumed.

7. In Canada the workmen's compensation boards have exclusive and final jurisdiction over all compensation matters, no appeal to the courts being permitted except in New Brunswick and Nova Scotia. In these two Provinces appeal may be had to the supreme court upon questions of law, but only with the permission of the judge of said court. In none of the American States does the administrative commission have final decision, appeals to courts being allowed on questions of law in every jurisdiction, and of fact in some.

8. In Canada members of the workmen's compensation boards hold office during good behavior, except that in Alberta and in British Columbia the term of office is 10 years. In most of the Provinces, however, they are subject to compulsory retirement at the age of 75. Each board is authorized to appoint its officers and employees and to fix their salaries. The term of office of such employees is subject to the pleasure of the board. In the United States the term of office of compensation commissioners is usually 3, 4, or 5 years.

9. As regards liberality, the benefits of the Canadian laws are about on a par with the more liberal of the American acts. The scale of benefits averages perhaps somewhat lower, but the periods for which benefits are paid are as a rule longer. In Canada, except

in Yukon, compensation is paid during disability or until the death or remarriage of the widow, while in most of the States the compensation periods terminate at the end of 300, 400, or 500 weeks, though some pay during life. In none of the Provinces (Yukon Territory excepted) is the waiting period over 1 week, and in most of the laws compensation, when payable, begins from the date of the injury, whereas in the United States three States have a waiting period of 10 days, while four have 2 weeks. The early Canadian laws did not provide for medical benefits, but all except that of Yukon Territory have now made provision therefor; in the United States all the laws require medical service.

COMPARISON OF COMPENSATION AND INSURANCE SYSTEMS

All the Canadian compensation laws are compulsory as to employers coming within their scope. All except that of Yukon Territory require private employers to insure, and an exclusive provincial fund exists in every Province except Quebec and Yukon Territory; though in Ontario municipalities and common carriers (Schedule 2) may act as self-insurers and in Nova Scotia a separate system exists for the fishing industry. These funds are administered by workmen's compensation boards, which classify the industries according to hazard, fix rates, collect premiums, act on claims, and pay benefits. The boards are distinctively compensation boards and do not have the administration of other labor laws, as is the case in a number of the States, though they do have certain powers for accident prevention and the inspection of premises for safety. As already noted, their powers of decision are complete, and in case of deficits in funds advances may be made from other provincial funds until assessments can be made to restore solvency.

SCOPE OR COVERAGE

The scope or coverage of the Canadian laws is of a more restricted form than that of most of those of the United States. In all of the Provinces (Yukon Territory excepted) the employments covered are limited to enumerated industries. Most of the laws exclude agriculture and domestic service, outworkers, nonhazardous public employments, and casual employees employed otherwise than for the purpose of the employer's business. Alberta also excludes certain classes of railroad employees, reported by the commission as amounting to about 55 per cent of the total. The law of Yukon Territory does not apply when the employer has less than five workmen and of Quebec when less than seven workmen; and the power given the boards to extend or reduce the scope of the laws by classifications, regulations, etc., has been exercised, notably in Ontario, to exclude various classes of small employers. Public employments are generally included only to the extent that the nature of the work is such as to fall within the enumeration of industries covered. Exempted employments usually are given the privilege of coming under the act if either the employer or employee so desires.

If the workman is injured while outside the Province, most of the laws grant compensation if the place of business of the employer

and the usual place of employment of the workman are within the Province. In Manitoba, however, this rule applies only to workmen on railroads and steamships, and in Quebec only if the law of the place of injury does not provide compensation; no mention is made of the subject in the law of Yukon Territory.

OCCUPATIONAL DISEASES

The influence of the compensation act of Great Britain is nowhere more clearly seen than in the provisions of the laws relating to injuries covered. As to accidental injuries, every law except that of Quebec uses the phrase "personal injury by accident arising out of and in the course of the employment, unless it is attributable solely to the serious and willful misconduct of the workman," found in the British act. All but three[1] also follow this act in allowing compensation for injuries due to willful and serious misconduct if they result in death or serious disability. In addition, New Brunswick excludes injuries if intentionally self-inflicted, due to intoxication, or caused by a fortuitous event not connected with the industry, while Yukon Territory excludes those caused by intoxication.

In the matter of occupational diseases the list formulated by the British act of 1906 was followed exactly by some laws, even though additions had already been made to the original list. Others accepted some of the additions made, and later laws following the method of enumeration show the influence of the British tendency to extend the list, but none carries the full list now found in the British law, partly, no doubt, on account of differing industrial conditions. Occupational diseases are not compensated in Quebec and Yukon, while in New Brunswick the queston of enumeration rests with the board, which has prepared a list corresponding with a major part of the standard items under the British law.

WAITING TIME

In but one Province (Yukon Territory) is the waiting time in excess of seven days; in three it is but three days. The length of waiting time in each Province and the rule as to retroaction in case of disability continuing for prescribed periods are as follows:

Province	Waiting period	
Alberta	3 days.	
British Columbia	3 days.	None if disability lasts more than 14 days.
Manitoba	3 days.	
New Brunswick	7 days.	
Nova Scotia	6 days.	None if disability lasts over 6 days.
Ontario	6 days.	None if disability lasts over 6 days.
Quebec	7 days.	None if disability lasts 6 weeks or more.
Yukon Territory	13 days.	None if disability lasts over 13 days.

COMPENSATION SCALE

The Canadian compensation acts differ from most of the acts in the United States in that they provide specific monthly payments for

[1] New Brunswick, Quebec, and Yukon Territory.

widows, dependent widowers, and children instead of percentages of the wages of the decedent. In Quebec, however, a percentage is used, and in Yukon Territory a lump sum of $2,500 is paid dependents. This in effect establishes a uniform relief on the apparent assumption of a standardized necessary support, tending to reduce to uniformity the conditions of the families of the higher and lower paid workmen. In three Provinces (New Brunswick, Nova Scotia, and Ontario) the wage rate is effective in restricting amounts, not more than a fixed rate (55 per cent of the wages in the first two and 66⅔ per cent in Ontario) being allowed as aggregate benefits. As regards disability, all laws use the percentage basis for disabilities, except that of Yukon Territory, where a lump sum is paid for permanent total disability, and fixed amounts for specified permanent partial disabilities.

Medical, surgical, and hospital aid is uniformly provided except in Yukon, artificial members and appliances as needed being also provided for in British Columbia, Manitoba, Ontario, and Quebec. In Nova Scotia treatment is limited to 30 days.

Burial expenses are to be met in all fatal cases except in Yukon, where a lump sum is paid as a death benefit to dependents; if there are no dependents, expenses of last sickness and burial are provided for up to $500.

Compensation proper in case of death is usually a fixed sum monthly to the surviving consort ($30 in Manitoba, New Brunswick, and Nova Scotia, $35 in Alberta and British Columbia, and $40 in Ontario), with additional sums for children under the age of 16. This sum is $7.50 in British Columbia, New Brunswick, and Nova Scotia, $10 in Ontario, and in Alberta and Manitoba $12 for the eldest, $10 for the second, $9 for the third, and $8 for each other child. Restrictions are that the aggregate shall not exceed 55 per cent of the wages in New Brunswick and Nova Scotia, 66⅔ per cent in Ontario, and $65 per month in British Columbia, while no limit is set in Alberta and Manitoba. As already noted the law of Quebec grants percentages of wages—30 per cent to a consort and 10 per cent additional to each child, not over 60 per cent in all, while in Yukon a lump sum of $2,500 is payable simply if there are dependents. Benefits to a widow continue until death or remarriage; in the latter event, she receives a lump sum of $480 in Alberta, two years' benefits in Manitoba, New Brunswick, and Ontario, same not to exceed $480 in British Columbia, 12 months' benefits in Quebec, and $20 monthly for 25 months or an equivalent lump sum in Nova Scotia.

For total disability the provisions of the laws show a tendency to vary quite suggestive of the practice in the United States. The payments continue during disability except in Yukon, and are 55 per cent of the wages in New Brunswick and Nova Scotia, 62½ per cent in British Columbia, and 66⅔ per cent in Alberta, Manitoba, Ontario, and Quebec. The minimum is $5 weekly in British Columbia and Nova Scotia, $6 in New Brunswick and Quebec, $10 in Alberta, $12.50 in Ontario, and $15 ($12.50 if disability is temporary) in Manitoba. This minimum is reduced in six Provinces to the actual wage in case it is less than the sum named. A limitation on the wage used as a basis of computation fixes the maximum—$2,000

per annum in British Columbia, Manitoba, and Ontario; $1,200 in Nova Scotia; and $125 per month in New Brunswick. In Yukon, if the disability is permanent, $3,000 is paid as a lump sum; if temporary, 50 per cent of the earnings payable weekly for not more than six months.

ADMINISTRATION AND SETTLEMENT OF CLAIMS

With the exception of Yukon Territory, the Canadian laws provide for administration by special boards, with full and usually final powers of determination of all matters arising in connection with the subject of compensation.

ACCIDENT REPORTING AND PREVENTION

In all jurisdictions except Yukon Territory employers are required to report accidents befalling their employees to the workmen's compensation boards. The common qualification is that they must be disabling or cause inability to earn full wages (New Brunswick, Nova Scotia, Ontario, Quebec), though some require the reporting simply of "an accident" (Alberta, British Columbia, Manitoba).

Inasmuch as the administration of the compensation acts is practically the sole function of the boards, there is little tendency to charge them with the duty of accident prevention. Provisions therefor are found, however, in Alberta, British Columbia, and Quebec, while in Ontario the board may inspect for compliance with safety laws.

NONRESIDENT ALIEN DEPENDENTS

The tendency to avoid or restrict compensation payments to nonresident dependents is hardly so evident in Canada as in the United States. However, special provision is made in all laws but that of Quebec, the most common disposition of the matter being to allow compensation if by the law of the country of residence it would be allowed to a dependent of a citizen of the Province in question killed in employment in the foreign country. This is in effect the provision of the laws of Manitoba, New Brunswick, Nova Scotia, and Ontario. Except in New Brunswick, it is further provided that benefits will be limited in amount to the scale established by the foreign law; while in British Columbia compensation is allowed without reference to comity but may be reduced to correspond to any existing difference in cost of living.

The appended chart presents in conspectus the items discussed above. The same headings are used as in presenting the State laws, though except for exactness in comparability two might have been omitted—the one headed "Suits for damages"—such proceedings being uniformly forbidden except in Yukon, where an option is given a workman whose injury is due to the negligence of the employer, and that headed "Special contracts," no substitute schemes being allowed in any Province; even the purpose of uniformity would not justify the reproduction of the columns relating to election when all the laws are compulsory.

The text of the laws appears on pages 219 to 243.

PART III

ANALYSIS OF THE PRINCIPAL FEATURES OF THE LEGISLATION OF THE UNITED STATES 1927 AND 1928

[This analysis is merely supplementary to the analysis found in Bulletin No. 423. All of the amendments found in the text are not analyzed. Only the most important changes in the law are here considered. For actual changes it is necessary to consult text in Part V.]

ANALYSIS OF THE LEGISLATION

ALASKA

Date of reenactment.—New act, 1927, chapter 77; in effect August 7, 1927.

Injuries compensated.—Personal injury causing disability for more than one week, or death, arising out of and in the course of employment, not due to the employee's willful intention to injure himself or another or to his intoxication.

Industries covered.—All private employments in which five or more persons are employed, unless election to the contrary is made; domestic service, agriculture, dairying, and the operation of railroads as common carriers excepted.

Persons compensated.—Private employment: All employees in industries covered; independent contractors excluded. Public employment not included.

Compensation for death:

(*a*) If married, $4,500 to widow, $900 additional for each child under 16 years of age, or child wholly dependent by reason of mental or physical incompetency, or unborn or posthumous child, and to dependent parent or parents, if any; if no widow, $4,500 to any minor orphan, and $900 additional for each child under 16; no total to exceed $9,000.

(*b*) If unmarried, and dependent parent or parents, $1,800 to each.

(*c*) If no dependents, funeral expenses not to exceed $195, and other expenses, if any, to same amount.

Compensation for disability:

(*a*) Reasonably necessary medical and hospital treatment and necessary transportation for not more than one year, for which employer may deduct $2.50 per month from wages of each employee for separate fund.

(*b*) Permanent total disability: $5,400 to workman alone; $7,200 if married, $900 additional for each child under 16, posthumous child, or child over 16 dependent by reason of physical or mental incompetency; total not to exceed $9,000. If no wife or children, but one dependent parent, $6,300; two parents, $7,200.

(*c*) Temporary total disability: 65 per cent of weekly wages during its continuance.

(*d*) Permanent partial disability: Fixed sums for specified injuries in lieu of other payments, varying with marital condition and number of children; maximum, $7,200.

Revision of benefits.—Readjustment must be made if within two years an injury develops or proves to be such as to warrant higher award from that previously made.

Insurance.—No provision.

Security of payments.—Attachment may be had pending result of action, or employer may deposit cash or bond with court. Payments are not assignable and are exempt from execution. Lien for full amount upon employer's property if notice filed within four months after injury.

Settlement of disputes.—By courts, either with or without jury trial.

ARIZONA

Amendment.—Acts of 1927, fourth special session, chapter 8.

CALIFORNIA

Amendments.—Acts of 1927, chapters 440, 589, 653, 702, 760, 761, 762, 834.

Industries covered.—Employers and employees engaged in farm work are conclusively presumed to have accepted the act unless either of them rejects the act prior to an injury. Convicts working on the State roads are expressly excluded from the act.

Insurance.—The State fund is now authorized to insure employers under Federal longshoremen's act.

COLORADO

Amendments.—Acts of 1927, chapters 197, 198, 199.

Injuries covered.—Members of a volunteer fire department of a city or village are now excluded.

Insurance.—Provisions relating to the State fund were amended making the fund provide the salaries of its employees, enlarging the list of legal investments for the fund, and making changes in procedure.

CONNECTICUT

Amendments.—Acts of 1927, chapters 138, 185, 304, and 307.

Injuries compensated.—"Arising out of and in the course of" and "occupational disease" are newly defined. Hernia awards are further restricted.

Compensation for death:

(*a*) Burial expenses are now $200 instead of $100.

(*d*) Maximum weekly compensation is now $21 instead of $18.

Compensation for disability:

Periods for some specific injuries have been changed.

DELAWARE

Amendments.—Acts of 1927, chapters 192, 193.

Persons compensated.—The coverage now probably includes employees and certain officials of the State and New Castle County. (See note with text.)

DISTRICT OF COLUMBIA

Date of enactment.—May 17, 1928; in effect July 1, 1928. 45 Stat. 600.

Injuries compensated.—Accidental injury arising out of and in the course of employment, causing disability for more than one week or death, including such occupational diseases as arise naturally out of the employment, and injuries due to the willful act of third persons on account of the employment; but excluding injuries due solely to the intoxication of the injured employee, or his willful intention to injure himself or another, and injuries compensable under State law.

Industries covered.—Any employer carrying on any employment in the District of Columbia.

Persons compensated.—All employees of employers covered except (1) a master or member of a crew of any vessel; (2) railroad employees engaged in interstate or foreign commerce or commerce within the District of Columbia; (3) employees covered by the Federal employees' compensation act; (4) employees engaged in agriculture, domestic service, any employment that is casual and not in the usual course of trade, business, occupation, or profession of the employer.

Compensation for death:

(*a*) Reasonable funeral expenses, not exceeding $200.

(*b*) To a widow or dependent widower alone, 35 per cent of wages, with 10 per cent additional for each child under 18; orphans or dependent grandchildren or brothers or sisters under 18 receive 15 per cent each; and dependent parents or grandparents, 25 per cent during dependency. In no case may the total payments exceed 66⅔ per cent of the wages.

(*c*) Payments to a widow or widower cease on death or remarriage or when dependence of widower ceases, with two years' compensation in one sum on remarriage. On such death or remarriage, payments to children under 18 are increased to 15 per cent each. Payments to minor dependents terminate at 18, and to parents and grandparents when dependence ceases.

(*d*) If there are no dependents, $1,000 must be paid to special funds.

No wages in excess of $37.50 per week may be considered in computing death benefits, nor may the minimum basis be less than $12, but no weekly benefit may exceed the actual wage.

Compensation for disability:

(*a*) Medical, surgical, nurse, and hospital service and treatment, including crutches and apparatus, for such period as the nature of the injury or process of recovery may require, costs to be subject to regulation by the deputy commissioner.

(*b*) For total disability, 66⅔ per cent of the wages, during its continuance; if due to second injury, employer pays only for proportionate results, balance from special fund.

(*c*) For partial disability, two-thirds of the wage loss, for not more than five years, if temporary; for specific injuries, maimings, etc., 66⅔ per cent of the wages for designated periods, subject to extension in case of prolonged healing time; lump sum for serious facial or head disfigurement; also allowance from special fund for maintenance during vocational rehabilitation.

Payments may not be more than $25 per week nor less than $8, unless wages are less, then full wages.

Periodical payments may be commuted to a lump sum in any case in which the deputy commissioner determines that it is for the best interests of the beneficiary.

No total compensation benefit under this act may exceed $7,500. (This includes funeral benefits, but not medical, etc., treatment.)

Revision of benefits.—A deputy commissioner, on his own initiative or on application of a party in interest on the ground of a change in condition, may review an order at any time during the term of an award; prior payments are not affected.

Insurance.—Insurance in an approved company or proof of adequate financial ability to meet payments is required of all employers under the act.

Security of payments.—Final awards are enforceable by proceedings in the district court having jurisdiction of the place in which the injury occurred. Payments are not assignable, are exempt from claims of creditors, and have the same preference against the assets of the employer or insurer as is allowed in case of unpaid wages, without limit as to amount.

Settlement of disputes.—By deputy commissioners, with review by Federal district courts on questions of law.

HAWAII

Amendments.—Acts of 1927, act No. 207.

Compensation for disability:

(*c*) In cases of permanent partial disability of minors, the compensation shall not in any event be less than $5 per week.

IDAHO

Amendments.—Acts of 1927, chapters 106, 181.

Persons compensated.—Public "officials," with the exception of "judges of election, clerks of election, or jurors," now covered. Salary limit of $2,400 abolished.

Compensation for disability:

(*b*) If married, with children, additional allowances shall not be less than $8 a week for period not exceeding 400 weeks and thereafter $6 a week.

(*c*) Ninety-nine per cent under specific schedule to injured person, 2 per cent to second injury fund.

Security of payments.—Security may now be required to be deposited with industrial accident board.

ILLINOIS

Amendments.—Acts of 1927, page 497.

Compensation for death:

(*a*) To persons wholly dependent, a sum equal to four years' earnings, not less than $1,650 (to a widow with one child under 16, $2,150, and if two children, $2,250, if three or more children, $2,350) nor more than $3,750 (to a widow with one child under 16, $4,200; and if two children, $4,450; and if three or more children, $4,550).

INDIANA

Amendments.—Acts of 1927, chapter 34.

Compensation for death:

(*c*) Wages are now to be considered as not above $30 instead of $24, nor less than $16 instead of $10, but in no case shall payments exceed the average weekly wage of employee.

Compensation for disability:

(*a*) Wage basis the same as for death benefit.

IOWA

Amendments.—Acts of 1927, chapter 32.

Compensation for death:

The commissioner is newly authorized, where employee left a surviving spouse and child under 16 or incapacitated, to make an order for an equitable apportionment of payments.

KANSAS

Date of reenactment.—March 14, 1927; in effect June 30, 1927. Chapter 232.

Injuries compensated.—Injuries by accident arising out of and in the course of employment, not due to intoxication or deliberate intention of injured employee, or caused by his willful failure to use safeguards provided by statute or furnished by employer, causing incapacity to earn full wages for at least one week, or death.

Industries covered.—Railways, motor transportation, factories, quarries, electrical, engineering work, laundries, natural-gas plants, county and municipal work, employments requiring the use of dangerous explosive or inflammable materials, if employing five or more persons; and mines or building work, without reference to the number of employees, all in absence of contrary election; employers in other industries and those employing less than five persons may also elect.

Persons compensated.—Private employment: All employees, including apprentices, but excluding those employed otherwise than for the purpose of the employer's business. Public employment: Workmen on county and municipal work.

Compensation for death:

(*a*) To persons wholly dependent, a sum equal to three years' earnings of the deceased employee, not less than $1,400 nor more than $4,000. For nonresident alien beneficiaries the maximum is $750.

(*b*) If only partial dependents survive, a sum proportionate to the injury to such dependents.

(*c*) A reasonable expense for burial, not exceeding $150.

Compensation ceases upon the marriage of any dependent, or when a minor, not physically or mentally incapable of wage earning, shall become 18 years of age.

Compensation for disability:

(*a*) On demand, medical, surgical and hospital treatment, not over $100, except in extreme cases, additional $100.

(*b*) For total incapacity, payments during incapacity after the first week, equal to 60 per cent of earnings, but not less than $6 nor more than $18 per week.

(*c*) For partial incapacity, 60 per cent of wage loss during incapacity, after the first week. Payments equal to 60 per cent of the wages for specified periods are to be paid for designated injuries, in lieu of all other compensation, not more than $18 per week.

No payments for total or partial disability shall extend over more than eight years.

After six months, lump sum equal to 95 per cent of payments due may be substituted at employer's option, the sum to be agreed upon or determined by the commission; or workman may apply for a lump-sum settlement at any time.

Revision of benefits.—Any award may be modified at any time by agreement, or either party may demand a revision.

Insurance.—The employer may insure in any approved insurance scheme which provides compensation not less favorable than is provided in this act.

Security of payments.—If the employer was insured, the insurer shall be subrogated to the rights and duties of the employer. Claims and awards are not assignable or subject to execution, etc.

Settlement of disputes.—Disputes not settled by agreement or arbitration may be decided by the public service commission.

LOUISIANA

Amendments.—Acts of 1928, act No. 242.

MAINE

Amendments.—Acts of 1927, chapters 158, 252.

Injuries compensated.—The day of the accident shall be counted as one in computing the 7-day waiting period.

Compensation for death:

(*c*) Expenses of last sickness has been dropped and in the event of no dependents the $200 expenses allowed are for burial.

MARYLAND

Amendments.—Acts of 1927, chapters 83, 395, 396, 536, 552, 587, 656, 660.

Persons compensated.—Officers and enlisted men of State militia not now covered by act but officers of the State police force and all penal institutions, guards are now covered.

Industries covered.—State prisoners engaged in extrahazardous employments are now covered by the act.

Insurance.—No insurance policy shall now be available to protect employer from the payment of extra compensation in case of minor illegally employed.

MASSACHUSETTS

Amendments.—Acts of 1927, chapters 291, 309; acts of 1928, chapters 171, 356.

Persons compensated.—"Foremen, subforemen, and inspectors" are now included in the terms "laborers, workmen, and mechanics" in public employments. The act now has also limited application to members of the national guard.

Compensation for death:

(*b*) To widow alone now $10 weekly and $2 for each additional child; for not more than 400 weeks and not over $6,400.

Compensation for disability:

(*b*) For total disability, a sum equal to two-thirds the average weekly wages, but not less than $9 nor more than $18 per week, not exceeding 500 weeks nor $4,500 in amount.

(*c*) For partial disability, the maximum weekly amount is now $18 instead of $16 and the total is $4,500 instead of $4,000.

MICHIGAN

Amendments.—Acts of 1927, chapters 19, 63, 162, 289, 376.

Compensation for death:

(*b*) Percentage of wages now is 66⅔ per cent instead of 60 per cent; maximum is $18 instead of $14.

Compensation for disability:

(*b*) For total incapacity, percentage of wages now is 66⅔ per cent instead of 60 per cent; maximum weekly payment is now $18 instead of $14 and total $9,000 instead of $7,000.

(*c*) For partial incapacity, percentage of wages now is 66⅔ per cent instead of 60 per cent, and the maximum weekly payment $18 instead of $14.

(*d*) For certain specified injuries, percentage of weekly wages is now 66⅔ per cent instead of 60 per cent.

MINNESOTA

Amendments.—Acts of 1927, chapters 216, 417, 436.
Settlement of disputes.—In cases where nonresident or foreign corporation can not be served, the claimant may commence action in the district court of the county where injured employee resided.

NEBRASKA

Amendments.—Acts of 1927, chapters 39, 134, 162.
Persons compensated.—Volunteer firemen of a city or village are now covered.

NEVADA

Amendments.—Acts of 1927, chapter 45.
Persons compensated.—Persons drafted to fight forest fires are now covered by the act.

NEW JERSEY

Amendments.—Acts of 1927, chapters 127, 324; acts of 1928, chapters 135, 136, 149, 163, 224, 225.
Persons compensated.—Active volunteer firemen are now covered by the act.
Compensation for death:
(*b*) Minimum compensation raised from $8 to $10 or actual wages and the maximum from $17 to $20.
Compensation for disability:
(*d*) Minimum compensation raised from $8 to $10 or actual wages and the maximum from $17 to $20.

NEW MEXICO

Amendments.—Acts of 1927, chapter 100.
Persons compensated.—Public employment: Employees of State highway commission engaged in extrahazardous occupations.

NEW YORK

Amendments.—Acts of 1927, chapters 493, 494, 496, 497, 553, 554, 555, 556, 557, 558; acts of 1928, chapters 584, 749, 750, 752, 753, 754, 755.
Industries covered.—Pecuniary gain is no longer a condition of coverage.
Compensation for disability:
(*b*) For total disability, maximum is now $25, minimum $8 or full wages, and total maximum for temporary total disability is now $5,000.
(*c*) The maximum for temporary partial disability is now $4,000.

NORTH DAKOTA

Amendments.—Acts of 1927, chapters 284, 285, 286.
Compensation for death:
(*b*) Total amount now shall not exceed $15,000 in addition to medical aid and temporary disability.
Compensation for disability:
(*b*) Amount paid in permanent total disability case now shall not exceed $15,000.
(*d*) Minimum $27 and maximum $4,680 for compensation for specific injuries. Also other cases of permanent partial disability have been reduced two-tenths of a week for each 1 per cent of disability.

OREGON

Amendments.—Acts of 1927, chapters 188, 208, 216, 227, 312, 326, 413, 414.
Industries covered.—Public employees: "Salaried firemen" and "public employees engaged in the operation of bridges" are now covered by the act.
Persons compensated.—Acceptance is now compulsory as to the State if employees are engaged in any hazardous occupation.

PENNSYLVANIA

Amendments.—Acts of 1927, chapters 156, 164, 271.

Injuries compensated.—Personal injury by accident in the course of employment causing disability for more than 7 days (formerly 10 days).

Compensation for death:

(*a*) One hundred and fifty dollars funeral expenses.

(*b*) Forty-four per cent of weekly wages to widow or dependent widower, maximum $10; and if one child, 55 per cent, maximum $12.50; if two children, 62½ per cent, maximum $14; if three or more children, 65 per cent, maximum $15; if no parent, 33 per cent if one or two children, 44 per cent if three children, 55 per cent if four children, 62½ per cent if five children, 65 per cent if six or more children, with maximums of $7.50, $10, $12.50, $14, $15, respectively; if no consort or child under 16, but dependent parent, brothers, or sisters, 15 to 45 per cent of wages.

(*c*) Payments cease on death, remarriage of widow or widower, cessation of dependence of widower, or when a child, brother, or sister attains the age of 16; not to continue beyond 300 weeks, except for children under 16, when 17½ per cent of wages will be paid for one, 27½ per cent for two, 38½ per cent for three, 50 per cent for four, 55 per cent for five, 60 per cent for six or more, until age 16. Basic wages are not less than $12 nor more than $24 weekly.

Upon remarriage a widow is to receive the current value of the compensation for one-third of the unpaid period.

Compensation for disability:

(*a*) Reasonable medical and surgical expenses for first 30 days after disability begins, cost not to exceed $100; in addition, hospital treatment for 30 days at prevailing costs.

(*b*) For total disability, 65 per cent of weekly wages for 500 weeks, $15 maximum, $7 minimum, or full wages, total not to exceed $6,500.

(*c*) For partial disability, 65 per cent of weekly wage loss, $15 maximum, for not over 300 weeks; fixed periods for specified injuries, in lieu of other payments, $15 maximum, $7 minimum, or full wages.

Payments may be commuted to a lump sum.

Revision of benefits.—Agreements and awards may be reviewed by the board for proper cause, within period or on petition filed within a year.

PHILIPPINE ISLANDS

Date of enactment.—December 10, 1927; in effect June 10, 1928. Act No. 3428.

Injuries compensated.—Personal injury from any accident due to and in the pursuance of the employment, or any illness contracted and directly caused by such employment or resulting from the nature of such employment. Compensation shall not be allowed for injuries caused (1) by the voluntary intent of the employee to inflict such injury upon himself or another person; (2) by drunkenness on the part of the laborer who had the accident; or (3) by notorious negligence of the same.

Industries covered.—All exercised for gain, the gross income of which was not less than 40,000 pesos, except agriculture, charitable institutions, and domestic service.

Persons compensated.—All employees except those whose employment is purely casual or is not for the purposes of the occupation or business of the employer, or whose remuneration paid by any employer, exclusive of overtime pay, is in excess of 42 pesos a week. Public employees are covered in the industrial concerns of the government and in public works, but public officers elected by popular vote and persons paid more than 800 pesos per year are not covered.

Compensation for death:

(*a*) Burial expenses not to exceed 100 pesos.

(*b*) Forty-five per cent of average weekly wages to dependent widow or widower; 50 per cent if one or two dependent children; 60 per cent if three or more. If there is no dependent widow or widower, 30 per cent to one or two orphans, with 10 per cent for each orphan over two up to maximum of 50 per cent. If no consort or child but other dependents, from 25 per cent to 40 per cent,

Compensation for death—Continued.

(*c*) Payments to widow cease on death or remarriage; to widower payable only during incapacity; to a son or daughter until 18 years of age; to a parent or grandparent, grandchild, brother, or sister during dependency.

(*d*) No payment for more than 208 weeks. Average weekly wages, maximum 30 pesos, minimum 4 pesos. Aggregate compensation not to exceed 3,000 pesos.

Compensation for disability:

(*a*) Such medical, surgical, and hospital services and supplies as the nature of the injury may require.

(*b*) For total disability, excluding the first seven days, a weekly sum equal to 60 per cent of average weekly wages but not more than 18 pesos and in some cases not less than 4 pesos, for not more than 208 weeks nor in excess of 3,000 pesos.

(*c*) For partial disability, 50 per cent of the loss of earning capacity from the day of disability but for not more than 208 weeks, not more than 10 pesos per week, and not more than a total of 3,000 pesos.

(*d*) For permanent partial disability, 50 per cent of average weekly wages for the periods fixed in a schedule but in no case for more than 208 weeks or 3,000 pesos.

(*e*) For serious disfigurement, not exceeding 3,000 pesos.

(*f*) Payments in lump sum allowed whenever the parties consider it most advantageous and convenient.

Insurance.—The employer may insure.

Security of payments.—Compensation has the same priority as wages. No claim is transferable and all compensation is exempt from creditors' claims.

Settlement of disputes.—On request the bureau of labor shall act as referee, and if its efforts fail it shall submit the claim to the proper court, but claimants may go directly into court without the previous intervention of the bureau.

PORTO RICO

Date of enactment.—New act. May 14, 1928; in effect August 12, 1928. Act No. 85.

Injuries compensated.—All personal injuries by accident occurring to a laborer in the course of his employment and due thereto, causing death within one year or disability for more than seven days, excepting injuries due to an attempt to commit crime or to injure himself, his employer, or another person; intoxication, or recklessness, or the criminal act of a third person. Designated occupational diseases included.

Industries covered.—All industries except domestic service and work of temporary nature.

Persons compensated.—Private employment: Employees of employer covered by the act. Public employment: Included.

Compensation for death.—A compensation of one to three thousand dollars as a maximum to persons wholly dependent, the amount to be graded according to the earning capacities of the deceased and his probabilities of life.

Compensation for disability:

(*a*) Medical attendance, medicines, and subsistence as may be prescribed, also hospital services when necessary.

(*b*) For temporary disability, an amount equal to one-half the weekly wages, not less than $3 nor more than $15, for not more than 104 weeks.

(*c*) For permanent total disability, not less than $1,000 nor more than $3,000, in proportion to the rate of wages earned at the time of injury, the severity of the injury, and the probabilities of life.

(*d*) For permanent partial disability, according to a fixed schedule, other injuries to be compensated according to a corresponding disability named in the schedule, no payment to exceed $2,000.

Revision of benefits.—No provision.

Insurance.—Employer must insure in the State fund, a stock or mutual company or give proof of financial ability.

Security of payment.—Rights and actions not assignable nor subject to attachment or to claims of other persons.

Settlement of disputes.—Compensation may be settled by agreement subject to approval of industrial commission with limited appeal to the courts.

RHODE ISLAND

Amendments.—Acts of 1927, chapters 1039, 1058; acts of 1928, chapters 1159, 1207.

Settlement of disputes.—The petition in case of disagreement must now be filed and decided by the commissioner of labor instead of by the superior court, but in case of appeal the court may hear the case all over again.

SOUTH DAKOTA

Amendments.—Acts of 1927, chapters 222, 223.

Compensation for disability:

(*a*) Maximum medical and hospital allowance $200 now instead of $150, and divided as follows: $100 for hospital services or other suitable or proper care, and $100 for medical and surgical services.

TENNESSEE

Amendments.—Acts of 1927, chapters 24, 40, 62.

Compensation for death.—Maximum weekly compensation is now $16.

Compensation for disability.—Maximum for temporary total is now $16; for permanent total is now $16; and for temporary partial injuries is now $16.

TEXAS

Amendments.—Acts of 1927, chapters 28, 60, 223, 224, 234, 241, 259, 270.

Industries covered.—Workmen's compensation act made compulsory as to motor-bus companies.

VERMONT

Amendments.—Laws of 1927, acts Nos. 98, 99, 100.

Industries covered.—Certain employees of State department of highways are now covered.

Persons compensated.—Certain employees in State department of highways.

Compensation for disability:

(*a*) Medical and surgical services for first 14 days of disability, maximum now $50, instead of $100, but hospital services during first 30 days of disability are now allowed up to a maximum of $150.

Insurance.—State and municipalities may insure with an authorized insurance carrier.

VIRGINIA

Amendments.—Acts of 1927 (special session), chapter 33; acts of 1928, chapters 19, 227, 445.

WASHINGTON

Amendments.—Acts of 1927, chapter 310.

Injuries compensated.—Injury must now be sustained in the course of employment whether on or away from the premises of the employer and has been defined to mean a sudden and tangible happening of a traumatic nature, producing an immediate or prompt result, and occurring from without and such physical condition as results therefrom. The word "hernia" is newly defined as "a real traumatic hernia resulting from the application of force which either punctures or tears the abdominal wall." Injury received while in the commission of a crime is specifically excluded.

Industries covered.—Certain specified occupations are specifically excluded from extrahazardous classification.

Compensation for disability:

No compensation shall be paid while an employee continues to receive full wages during temporary total disability.

(*e*) For specified permanent partial disabilities, lump sums up to $3,000 in lieu of other payments.

WISCONSIN

Amendments.—Acts of 1927, chapters 42, 45, 125, 241, 310, 482, 517.

Persons compensated.—Firemen responding to a call outside the city limits, unless such call is in violation of a local ordinance. Certain convicts now partially covered.

Compensation for death:

(*b*) Maximum annual earnings now $1,500 instead of $1,400.

(*c*) Maximum to special dependency fund now $1,600 instead of $1,000.

Compensation for disability:

(*d*) For certain maimings employer now pays second-injury fund $75 instead of $150.

Revision of benefits.—The commission may now set aside an award, upon the ground of newly discovered evidence.

WYOMING

Amendments.—Acts of 1927, chapter 111.

Compensation for death:

(*b*) The $2,000 payable to the widow is now payable not in a lump sum but in payments of $45 per month. The surviving spouse, upon remarriage, is now to receive $270 out of unpaid balance of the award. In case of permanent partial disability where death results within a year from date of award, amount of payments made prior to employee's death shall be proportionately deducted from compensation payable to widow and children; in case of permanent total disability where death results within two years, amount of payments made in excess of $2,000 shall be deducted from amount of award to widow.

Compensation for disability:

(*b*) For permanent total disability, the award formerly paid in a lump sum is now payable in installments of $50 a month if employee is unmarried and $60 a month if married.

(*c*) For temporary total disability, the $7.50 per month for each child under 16 is now payable for each boy under 16 or girl under 18.

(*d*) For permanent partial disabilities not scheduled, amount due is payable in installments of $50 per month if employee is unmarried, $60 if employee is married.

Revision of benefits.—State treasurer may reopen case on specific ground. Court also now retains power to modify or change awards.

UNITED STATES—CIVIL EMPLOYEES

Amendment.—Acts of 1927, Sixty-ninth Congress, second session, chapter 110 (44 Stat. 1086).

Compensation for death:

(*a*) $200 instead of $100 now allowed for burial expenses.

(*b*) Maximum compensation has been increased from $66.67 to $116.66 and minimum from $33.33 to $58.33.

Compensation for disability:

Maximum compensation is now $116.66; minimum is $58.33.

UNITED STATES—LONGSHOREMEN AND HARBOR WORKERS

Date of enactment.—March 4, 1927; in effect July 1, 1927. 44 Stat. 1424.

Injuries compensated.—Accidental injury arising out of and in the course of employment, causing disability for more than one week or death, including such occupational diseases as arise naturally out of the employment, and injuries due to the willful act of third persons on account of the employment; but excluding injuries due solely to the intoxication of the injured employee, or his willful intention to injure himself or another, and injuries compensable under State law.

Industries covered.—An employer, any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any dry dock).

Persons compensated.—If the disability or death results from an injury occurring upon the navigable waters of the United States (including any dry dock) and if recovery for the disability or death through workmen's compensation proceedings may not validly be provided by State law. No compensation shall be payable in respect of the disability or death of—

(1) A master or member of a crew of any vessel, nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net; or

(2) An officer or employee of the United States or any agency thereof or of any State or foreign Government, or of any political subdivision thereof.

Compensation for death:

(*a*) Reasonable funeral expenses, not exceeding $200.

(*b*) To a widow or dependent widower alone, 35 per cent of wages, with 10 per cent additional for each child under 18; orphans or dependent grandchildren or brothers or sisters under 18 receive 15 per cent each; and dependent parents or grandparents, 25 per cent during dependency. In no case may the total payments exceed 66⅔ per cent of the wages.

(*c*) Payments to a widow or widower cease on death or remarriage or when dependence of widower ceases, with two years' compensation in one sum on remarriage. On such death or remarriage, payments to children under 18 are increased to 15 per cent each. Payments to minor dependents terminate at 18, and to parents and grandparents when dependence ceases.

(*d*) If there are no dependents, $1,000 must be paid to special funds.

No wages in excess of $37.50 per week may be considered in computing death benefits, nor may the minimum basis be less than $12, but no weekly benefit may exceed the actual wage.

Compensation for disability:

(*a*) Medical, surgical, nurse, and hospital service and treatment, including crutches and apparatus, for such period as the nature of the injury or process of recovery may require, costs to be subject to regulation by the deputy commissioner.

(*b*) For total disability 66⅔ per cent of the wages, during its continuance; if due to second injury, employer pays only for proportionate results, balance from special fund.

(*c*) For partial disability, two-thirds of the wage loss, for not more than five years, if temporary; for specific injuries, maimings, etc., 66⅔ per cent of the wages for designated periods, subject to extension in case of prolonged healing time; lump sum for serious facial or head disfigurement; also allowance from special fund for maintenance during vocational rehabilitation.

Payments may not be more than $25 per week nor less than $8, unless wages are less, then full wages.

Periodical payments may be commuted to a lump sum in any case in which the deputy commissioner determines that it is for the best interests of the beneficiary.

No total compensation benefit under this act may exceed $7,500.

Revision of benefits.—A deputy commissioner, on his own initiative or on application of a party in interest on the ground of a change in condition, may review an order at any time during the term of an award; prior payments are not affected.

Insurance.—Insurance in an approved company or proof of adequate financial ability to meet payments is required of all employers under the act.

Security of payments.—Final awards are enforceable by proceedings in the district court having jurisdiction of the place in which the injury occurred. Payments are not assignable, are exempt from claims of creditors, and have the same preference against the assets of the employer or insurer as is allowed in case of unpaid wages, without limit as to amount.

Settlement of disputes,—By deputy commissioners, with review by Federal district courts.

PART IV

ANALYSIS OF THE PRINCIPAL FEATURES OF THE LEGISLATION OF CANADA, 1927 AND 1928

[This analysis is merely supplementary to the analysis found in Bulletin No. 423. All of the amendments found in the text are not analyzed. Only the most important changes in the law are here considered. For actual changes it is necessary to consult text in Part VI]

ANALYSIS OF CANADIAN LEGISLATION

ALBERTA

Amendments.—Acts of 1927, chapter 44; Acts of 1928, chapter 38.
Injuries compensated.—The waiting period is now three days.
Compensation for death:
Maximum burial expenses allowed are now $125 instead of $100.
Compensation for permanent total and permanent partial disability:
Percentage of average wages allowed is now 66⅔ per cent instead of 62½ per cent.
The maximum annual amount allowed was repealed.

BRITISH COLUMBIA

Amendments.—Acts of 1927, chapter 50.

NOVA SCOTIA

Amendments.—Acts of 1927, chapters 6, 37, and 38; Acts of 1928, chapters 42 and 43.
Industries covered.—The fishing industry has been dropped from employments listed in Parts I and II of the act and is now treated separately under Part III.
Insurance.—The fishing industry is now treated separately under Part III.

ONTARIO

Amendments.—Acts of 1927, chapter 46; Acts of 1928, chapter 26.

QUEBEC

Date of enactment.—May 29, 1909; in effect January 1, 1910; new act, March 24, 1926; in effect April 1, 1927; new act, March 22, 1928, effective September 1, 1928.
Injuries compensated.—All accidents happening by reason of or in the course of the work causing death or disability lasting seven days or more.
Industries covered.—Employers engaged in building, manufacturing, transportation, engineering, and construction work, mining, quarrying, gas or electrical business; stone, wood, and coal yards; any industrial or mercantile enterprise using machinery operated by power or manufacturing or using explosives, if the injury is due to the machinery or explosives, and having seven or more workmen. Agriculture, domestic service, and navigation of sailing vessels are excluded. Employers not covered may come under act by written agreement with their employees.
Persons compensated.—Private employment: Workmen, apprentices, and employees engaged in the industries covered. Public employment: Included as to industries covered by the act.
Compensation for death:
(*a*) Funeral expenses not in excess of $125.
(*b*) To a surviving consort 30 per cent of the yearly wages for life, 10 per cent additional for each child under 16; to orphans 20 per cent each; no total to exceed 60 per cent.
If no consort or child, 10 per cent to each ascendant for life or to descendants until 16, total not to exceed 30 per cent.
Payments to a widow cease on remarriage when she receives 12 months' benefits.

Compensation for disability:

(*a*) Medical, surgical, and hospital services with transportation and necessary appliances.

(*b*) For permanent total disability, 66⅔ per cent of the yearly wages, maximum $20, minimum $6, or actual wages, total maximum $10,000.

(*c*) For permanent partial incapacity, 66⅔ per cent of wages for the period of time fixed on the basis of four weeks for each 1 per cent incapacity, maximum $5,000. See schedule.

(*d*) For temporary incapacity lasting seven days or more, 66⅔ per cent of wages beginning with the eighth day unless incapacitated for more than six weeks, not more than $20 nor less than $6 per week unless wages are less, then full wages.

Revision of compensation.—Demands for change of amount of compensation may be made within two years.

Insurance.—Private employers under the act must insure or deposit securities to guarantee the payment of compensation.

Security of payments.—Benefits may not be alienated and are exempt from seizure.

Settlement of disputes.—Voluntary agreements between parties must have sanction of workmen's compensation commission. Disputed cases settled by commission. No appeal to the courts.

PRINCIPAL FEATURES OF LAWS OF THE UNITED STATES RELATIVE TO WORKMEN'S COM

[Chart revised January 1, 1929]

State	Employments covered		Insurance	How election is made		Defenses abrogated if employer does not elect	Suits for damages after election by both employer and employee	Special contracts	Injuries covered	Waiting time	Compensation be			
	Private	Public		By employer	By employee						Per cent of wages	Maximum and minimum weekly compensation payments	Maximum period	Death (a) Depende (b) No depe
Alabama. No. 245. Approved Aug. 23, 1919. In effect Jan. 1, 1920.	*Elective*, as to all employments except those having less than 16 employees, farm labor, domestic service, and casual employments not in usual course of employer's business. *Voluntary*, as to employments having less than 16 employees.	*Elective*, as to employees of State. *Voluntary*, as to employees of county, city, town, village, or school district.	Not required	Presumed in absence of written notice filed with court and posted in establishment.	Presumed in absence of written notice to employer and filed with court.	Assumed risk, fellow service, and contributory negligence, unless employee is guilty of willful misconduct as defined.	Not permitted	Approved substitute schemes permitted. Agreements for reduction of compensation benefits permitted if approved by court.	Personal injuries by accident arising out of and in course of employment unless due to intoxication, willful misconduct, intention to injure self or another, inflicted by third party for personal reasons, or willful failure to use safety appliances, or obey safety laws or rules.	2 weeks. None if disability continues for 4 weeks or more.	Death, 20 to 60 per cent. Disability, 50 to 60 per cent.	Maximum, $15. Minimum, $5, or actual wages.	Permanent total disability, 550 weeks. Other cases, 300 weeks.	(a) Expenses of las burial, maximum per cent of wage 300 weeks; maxim minimum, $5, or total not over $ penses of last burial, maximum
Alaska. Ch. 71. Approved Apr. 29, 1915. In effect July 28, 1915. Amended, 1917. New act, ch. 98, 1923. In effect Aug. 2, 1923. Amended, 1925. New act, ch. 57, 1925. Approved May 9, 1927. In effect Aug. 7, 1927.	*Elective*, as to all employments having 5 or more employees, except domestic service, agriculture, dairying, and common carrier railroads.	No provision	Not required	Presumed in absence of written notice filed with United States commissioner.	Presumed in absence of written notice served on employer and receipt taken.	Assumed risk, fellow service, and contributory negligence, unless willful or due to intoxication.	Not permitted	Waivers forbidden	Personal injuries by accident arising out of or in the course of employment unless directly due to intoxication or willful intention to injure self or another.	1 week. None if disability continues for 8 weeks or more.	65 per cent for temporary total disability. Fixed lump sums in other cases.	No provision	Not fixed	(a) $4,500 to widow phan; $900 to ea 16 and to depe maximum, $9,00 $1,800 to each dep (b) $195 maximum penses; $195 for between accident
Arizona. Ch. 14 (extra session). Approved June 8, 1912. In effect Sept. 1, 1912. New act, ch. 83, 1925. In effect Jan. 7, 1926. Amended, 1927.	*Compulsory*, as to all establishments having 3 or more workmen except farm labor not using machinery and domestic servants. *Voluntary*, as to other employments.	*Included*, except elective officials and those with salary over $2,400.	Employers must insure in State fund or private companies, or provide self-insurance.		Presumed in absence of written notice to employer, filed with commission.		Permitted if employer fails to insure.	Waivers forbidden	Personal injuries by accident arising out of or in the course of employment, not purposely self-inflicted.	1 week. None if disability continues 2 weeks.	Death, 15 to 66⅔ per cent. Disability, 65 per cent.	No provision	Not fixed	(a) Burial expenses 15 to 66⅔ per cer death or remarria expenses, $150 an habilitation fund.
California. Ch. 399. Approved Apr. 30, 1911. In effect Sept. 1, 1911. New act, ch. 176, 1913. Amended, 1915. New act, ch. 586, 1917. In effect Jan. 1, 1918. Amended, 1919, 1923, 1925, 1927.	*Compulsory*, as to all employments except farm labor, domestic service, and casual employees not in usual course of employer's business. *Voluntary*, as to excepted employments, which is *elective*.	*Compulsory*, as to all employees except elective officials and deputy clerks, deputy sheriffs, and deputy constables serving without remuneration.	Employers must insure in the State fund or private companies, or provide self-insurance.	Farmlabor: Presumed in absence of writing posted and filed with commission.	Farmlabor: Presumed in absence of notice to employer and filed with commission.	Assumed risk, fellow service, and contributory negligence modified by the doctrine of relative negligence in farm labor cases.	Permitted if employer fails to insure risk and if due to employee's willful misconduct.	Waivers forbidden	Personal injuries arising out of and in the course of employment unless due to intoxication or intentionally self-inflicted; includes injuries to artificial limbs. Occupational diseases included.	1 week	65 per cent	Maximum, $20.83. Minimum, $4.17.	Permanent total disability, life. Temporary disability, 240 weeks.	(a) Burial expenses 65 per cent of wa years' annual e mum, $5,000; mi (b) Reasonable b maximum, $150.
Colorado. Ch. 179. Approved Apr. 10, 1915. In effect Aug. 1, 1915. Amended, 1917. New act, ch. 210, 1919. Amended, 1923, 1925, 1927.	*Elective*, as to all employments except those having regularly less than 4 employees, farm labor, domestic service, and casual employees not in usual course of employer's business. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees except elective officials and members of National Guard and volunteer fire department.	Electing employers must insure in State fund or private companies, or provide self-insurance.	Presumed in absence of written notice to commission; notice of rejection to be posted.	Presumed in absence of written notice to employer and to commission.	Assumed risk, fellow service, and contributory negligence unless willful.	Not permitted	Waivers forbidden, but approved hospital fund may be maintained.	Personal injuries accidentally sustained arising out of and in the course of employment not intentionally self-inflicted.	10 days	50 per cent	Maximum, $12. Minimum: Death, $5; disability, $5, or actual wages.	Death, 312 weeks. Permanent total disability, life.	(a) Burial expenses 50 per cent of wa maximum, $12; total not over $3 sonable burial e mum, $125.
Connecticut. Ch. 138. Approved May 29, 1913. In effect Jan. 1, 1914. Amended, 1915, 1917, 1919, 1921, 1923, 1927.	*Elective*, as to all employments except those having regularly less than 5 employees, outworkers, and casual employees, not for purpose of employer's trade or business. *Voluntary*, as to excepted employments.	*Elective*, as to the State and all public corporations having regularly 5 or more employees. *Voluntary*, as to others.	Electing employers must insure in private companies, or provide self-insurance.	Presumed in absence of written notice.	Presumed in absence of written notice.	Assumed risk, fellow service, and contributory negligence.	Permitted if employer fails to insure risk.	Approved schemes may be substituted if benefits equal those of act. Physically defective employes may waive right to compensation.	Personal injuries arising out of and in course of employment unless due to willful and serious misconduct or intoxication. Occupational diseases included.	1 week. None if disability continues longer than 4 weeks.	50 per cent	Maximum, $21. Minimum, $5.	Death, 312 weeks. Disability, 520 weeks.	(a) Burial expenses cent of wages f maximum, $21; (b) Burial expens
Delaware. Ch. 233. Approved Apr. 2, 1917. In effect Jan. 1, 1918. Amended, 1919, 1921, 1923, 1927.	*Elective*, as to all employments except those having less than 5 employees, farm labor, domestic service, outworkers, and casual employees not in usual course of employer's business.	*Elective*, as to State and certain county and municipal employees.	Electing employers must insure in private companies, or provide self-insurance.	Presumed in absence of printed notice to employees posted in plant, and filed with board.	Presumed in absence of written notice to employer and filed with board.	Assumed risk, fellow service, and contributory negligence.	Permitted if employer fails to insure risk.	Approved substitute schemes permitted if benefits equal those of act. Waivers forbidden.	Personal injuries by accident arising out of and in course of employment unless due to willful intention to injure self or another, intoxication, failure to use safeguards, violation of law, recklessness, or caused by third party for personal reasons.	2 weeks. None if disability continues for 4 weeks or more.	Death, 15 to 60 per cent. Disability, 50 per cent.	Death: Weekly basic wage, maximum, $30; minimum, $10. Disability: Maximum, $15; minimum, $5, or actual wages.	Permanent total disability, 475 weeks. Others, 285 weeks.	(a) Expenses of las burial, maximum per cent of wages basic wage, m minimum, $10. last sickness and mum, $100.
District of Columbia. Ch. 612, 45 Stat. 600. Approved May 17, 1928. Effective July 1, 1928.	*Compulsory* as to all employments except members of crews, railroad employees, Government employees, employees engaged in agricultural, domestic work or casual work.	See United States civil employees' compensation act.	Employers must insure in private companies, or provide self-insurance.				Permitted if employer fails to insure risk.	Waivers forbidden	Accidental injury arising out of and in the course of employment unless due to willful acts and intoxication. Also occupational diseases.	1 week. None if disability continues for more than 7 weeks.	Death, 15 to 66⅔ per cent. Disability, 66⅔ per cent.	Death: Basic wage, maximum, $37.50; minimum, $12. Disability: Weekly maximum $25; minimum, $8, or actual wages.	Death, during life or to remarriage. Permanent total disability, life. Other injuries, during disability but limited to $7,500.	(a) Burial expense $200, widow or de ower, 35 per cent death or remarria additional for each not over 66⅔ per c basic wages, $37. $12. (b) Burial e mum, $200, and cial fund.
Georgia. Page 167. Approved Aug. 17, 1920. In effect Mar. 1, 1921. Amended, 1922, 1923, 1925.	*Elective*, as to all employments having 10 or more employees, except those not in the usual business of the employer, farm labor, domestic service, common carriers using steam power, and institutions operated as public charities. *Voluntary*, as to excepted employments.	*Compulsory*, as to municipal corporations and political subdivisions of the State.	Electing employers must insure or provide self-insurance; the forms of policies are subject to approval by the commission.	Presumed in absence of written notice filed with the commission and posted in the establishment.	Presumed in absence of written notice to employer, with copy to commission.	Assumed risk, fellow service, and contributory negligence.	Not permitted	Waivers forbidden	Any injury by accident arising out of and in the course of employment, not including diseases except those resulting from the accident nor injuries by third persons for personal reasons, or due to willful misconduct, intent to injure self or another, intoxication, or willful failure to use a safety appliance or observe law or regulation.	7 days	Death, 42½ per cent. Disability, 50 per cent.	Total disability: Maximum, $15; minimum, $4, or full wages if less than $4. Partial disability: Maximum, $12 weekly; for specified injuries, same or for total disability. Death, maximum, $12.75.	Total disability, 350 weeks; partial disability, or death, 300 weeks.	(a) Burial expenses, $3 per cent of to benefit for 300 w maximum, $12.75; $5,000. (b) Expen sickness and burn ceed $100.

[1] Not provided for in compensation law.

OF THE UNITED STATES RELATIVE TO WORKMEN'S COMPENSATION AND INSURANCE

[Chart revised January 1, 1929]

Compensation benefits[1]						Medical and surgical aid	Nonresident alien dependents	Time for notice and claim	(a) By whom administered (b) How claims are settled	Accident reports required	Accident-prevention work by—(a) Compensation commission. (b) Other agencies	State
Per cent of wages	Maximum and minimum weekly compensation payments	Maximum period	Death (a) Dependents (b) No dependents	Total disability (a) Permanent (b) Temporary	Partial disability							
Death, 20 to 60 per cent. Disability, 50 to 60 per cent.	Maximum, $15. Minimum, $5, or actual wages.	Permanent total disability, 550 weeks. Other cases, 300 weeks.	(a) Expenses of last sickness and burial, maximum, $100; 20 to 60 per cent of wages for not over 300 weeks; maximum, $12 to $15; minimum, $5, or actual wages; total not over $5,000. (b) Expenses of last sickness and burial, maximum, $100.	(a) 50 to 60 per cent of wages for 400 weeks; maximum, $12 to $15; minimum, $5, or actual wages; not over $5 thereafter for 150 weeks in certain cases; total not over $5,000. (b) 50 to 60 per cent of wages during disability; not over 300 weeks; maximum, $12 to $15; minimum, $5 or actual wages.	50 to 60 per cent of wage loss during disability for not over 300 weeks; maximum, $12 to $15; minimum, $5, or actual wages; not over $5 thereafter for 150 weeks in certain cases; total not over $5,000. (b) 50 to 60 per cent of wages during disability; not over 300 weeks; maximum, $12 to $15; minimum, $5 or actual wages.	Reasonable medical, surgical, and hospital service *for 60 days;* maximum, $100; charges limited to prevailing rates.	Excluded	Notice to employer within 5 days; no compensation if after 90 days. Claim in 1 year.	(a) Courts; limited supervision by compensation commissioner. (b) Direct settlements between parties if in "substantial" conformity with law; court may approve a less amount if in interest of employee. Disputed cases settled by courts.	All electing employers must report all accidents of over 2 weeks' disability to compensation commissioner within 15 days; supplementary report after 60 days or upon termination of disability.	(a) No provision. (b) Chief mine inspector.[1]	Alabama.
65 per cent for temporary; total disability. Fixed lump sums in other cases.	No provision	Not fixed	(a) $4,500 to widow or minor orphan; $900 to each child under 16 and to dependent parents; maximum, $9,000. If single, $1,800 to each dependent parent. (b) $105 maximum for burial expenses; $105 for other expenses between accident and death.	(a) $5,400, $1,800 additional if wife and $900 for each child under 16; if single, $900 for each dependent parent; maximum, $9,000. (b) 65 per cent of wages during disability.	Lump sums based upon schedule for permanent total disability proportioned to loss of earning capacity. Specified injuries, lump sums, varying with number of dependents; lump sums for certain disfigurements; maximum, $7,200.	Reasonably necessary medical, surgical, and hospital treatment for not over 1 year.	60 per cent to a wife or minor child and 50 per cent as to other dependents.	Notice in 120 days; claim in 2 years.	(a) Courts. (b) Voluntary agreement; disputed cases settled by courts.	No provision	(a) No commission. (b) Mine inspector (who is also ex-officio labor commissioner).[1]	Alaska.
Death, 15 to 66⅔ per cent. Disability, 65 per cent.	No provision	Not fixed	(a) Burial expenses, not over $150; 15 to 66⅔ per cent of wages till death or remarriage. (b) Burial expenses, $150 and $350 to a rehabilitation fund.	(a) 65 per cent of wages for life. (b) Same for not over 100 months; $10 monthly added if dependents in United States.	65 per cent of wage loss during disability, for not over 60 months. Schedule for specific injuries in addition to other payments.	Medical, surgical, and hospital aid for 90 days; 1 year if commission directs.	60 per cent of normal benefits.	Injury to be reported at once; claim in 1 year.	(a) Industrial commission. (b) By commission on application. Appeal to supreme court.	Employers under the act and attending physicians must report all injuries to workmen.	(a) Industrial commission. (b) Mine inspector.[1]	Arizona.
65 per cent	Maximum, $20.83. Minimum, $4.17.	Permanent total disability, life. Temporary disability, 240 weeks.	(a) Burial expenses, not over $125; 50 per cent of wages for 6 years; maximum, $12; minimum, $5; total not over $9,750. (b) Reasonable burial expenses; maximum, $125.	(a) 65 per cent of wages for 240 weeks, then 40 per cent for life. (b) 65 per cent of wages during disability; not over 240 weeks, nor 3 years' earnings, nor $5,000.	If permanent, 65 per cent of wages for periods proportionate to disability, then reduced rates for life if 70 per cent or more disabled; if temporary, 65 per cent of wage loss during disability; not over 240 weeks nor 3 years' earnings nor $5,000. Disfigurement compensable.	Reasonable medical, surgical, and hospital treatment.	No presumption of dependency.	Notice in 30 days; claim in 6 months for disability, 1 year for death, 2 years if any settlement for less than a statutory award has not been approved by the commission.	(a) Industrial accident commission. (b) Voluntary agreement approved by commission; disputed cases referred to one or more referees; review by commission; rehearing in certain cases; appeal to courts upon questions of law.	All employers, attending physicians, and insurers must report all injuries involving time loss or medical aid to industrial accident commission. Fatal injuries must be reported immediately.	(a) Industrial accident commission. (b) Bureau of labor statistics.[1]	California.
50 per cent	Maximum, $12. Minimum: Death, $5; disability, $5, or actual wages.	Death, 312 weeks. Permanent total disability, life.	(a) Burial expenses not over $125; 50 per cent of wages for 6 years; maximum, $12; minimum, $5; total not over $9,750. (b) Reasonable burial expenses; maximum, $125.	(a) (b) 50 per cent of wages during disability; maximum, $12; minimum, $5, or actual wages.	If permanent, a sum proportionate to a total disability benefit, not over $3,120; fixed periods for specified injuries; all payments, 50 per cent of wages, maximum, $12, minimum, $5, or actual wages; all in addition to temporary total. If temporary, 50 per cent of wage loss during disability; maximum, $12; not over $1,560 in all. Disfigurement, maximum, $500.	Reasonable medical, surgical, and hospital treatment *for 60 days;* maximum, $200; no time limit in case of hernia; additional allowance for dental service, maximum, $100.	One-fourth benefits	Notice in 2 days; claim in 6 months; 1 year in case of death.	(a) Industrial commission. (b) Admitted liability with statement of amount may be submitted to commission; no settlement final until approved; disputes heard by commission, commissioner, or a referee; review and court appeal provided for.	All employers must report all compensable accidents within 10 days to industrial commission.	(a) Industrial commission (b) Department of labor and factory inspection; inspectors of coal mines; bureau of mines.[1]	Colorado.
50 per cent	Maximum, $21. Minimum, $5.	Death, 312 weeks. Disability, 520 weeks.	(a) Burial expenses, $200; 50 per cent of wages for 312 weeks; maximum, $21; minimum, $5. (b) Burial expenses, $200.	(a) (b) 50 per cent of wages during disability, not over 520 weeks; maximum, $21; minimum, $5.	50 per cent of wage loss during disability, not over 520 weeks; weekly maximum, $21. Specified injuries, 50 per cent of wages for fixed periods; weekly maximum, $21; minimum, $5; in addition to temporary total.	Such medical, surgical, or hospital treatment as deemed reasonable by attending physician; charges limited to prevailing rates. Special provision for seamen on United States vessels.	Included	Notice at once; claim in 1 year; 2 years for due cause shown; 3 year limit in occupational disease cases after leaving employ.	(a) Board of 5 compensation commissioners in charge of separate districts. (b) Voluntary agreement approved by commissioner; disputed cases settled by commissioner; appeals to courts.	Assenting employers must report all injuries of 1 day's disability weekly to compensation commissioner.	(a) No provision. (b) Department of labor and factory inspection.[1]	Connecticut.
Death, 15 to 60 per cent. Disability, 50 per cent.	Death: Weekly basic wage, maximum, $30; minimum, $10. Disability: Maximum, $15; minimum, $5, or actual wages.	Permanent total disability, 475 weeks. Others, 285 weeks.	(a) Expenses of last sickness and burial, maximum, $100; 15 to 60 per cent of wages for 285 weeks; basic wage, maximum, $30; minimum, $10. (b) Expenses of last sickness and burial, maximum, $100.	(a) (b) 50 per cent of wages during disability, not over 475 weeks; maximum, $15; minimum, $5, or actual wages; total not over $4,000.	50 per cent of wage loss for not over 285 weeks; maximum, $15. Specified injuries, 50 per cent of wages for fixed periods; maximum, $15; minimum, $5, or actual wages.	Reasonable medical, surgical, and hospital treatment *for 30 days;* maximum, $100. Board may increase time and amount.	One-half benefits; to widows and children only.	Notice in 14 days; if in 30 days, not barred except as to extent employer was prejudiced; bar absolute after 90 days. Claim in 1 year.	(a) Industrial accident board. (b) Voluntary agreement approved by board; disputed cases settled by board after hearing; appeal to court.	All assenting employers must report all accidents to industrial accident board within 10 days; supplementary report upon termination of disability.	(a) Industrial accident board. (b) No provision.	Delaware.
Death, 15 to 66⅔ per cent. Disability, 66⅔ per cent.	Death: Basic wage, maximum $37.50; minimum, $12. Disability: Weekly maximum $25; minimum, $8, or actual wages.	Death, during life or to remarriage. Permanent total disability, life. Other injuries, during disability but limited to $7,500.	(a) Burial expenses, maximum, $200, widow or dependent widower, 35 per cent of wages until death or remarriage; 10 per cent additional for each child. Total not over 66⅔ per cent maximum basic wages, $37.50; minimum, $12. (b) Burial expenses, maximum, $200, and $1,000 to special fund.	(a) (b) 66⅔ per cent of wages during disability, maximum, $25; minimum, $8 or full wages. Total not over $7,500.	66⅔ per cent of wage loss during disability. Maximum, $7,500. Specified injuries 66⅔ per cent of wages for fixed periods, plus fixed healing time, in certain cases. Maximum, $25; minimum, $8 or actual wages. Disfigurement compensable.	Such medical, surgical, and hospital services as nature of injury requires; charges limited to prevailing rates.	Widow, children, and dependent parents only, may be commuted at one-half present worth.	Notice of injury in 30 days, death in 30 days unless excused for cause; claim in 1 year.	(a) United States Employees' Compensation Commission. (b) Claim submitted to compensation commissioner after the first 7 days following injury; hearing by commissioner or board on request; appeal to court upon questions of law.	All employers must report all accidents to compensation commission within 10 days; commissioner may require any information.	(a) United States Employees' Compensation Commission. (b) No provision.	District of Columbia.
Death, 25⅔ per cent. Disability, 50 per cent.	Total disability: Maximum, $15; minimum, $4, or full wages if less than $4. Partial disability: Maximum, $12 weekly; for specified injuries, same as for total disability. Death, maximum, $12.75.	Total disability, 350 weeks; partial disability, or death, 300 weeks.	(a) Burial expenses, not over $100; 85 per cent of total disability benefit for 300 weeks; weekly maximum, $12.75; total not over $5,000. (b) Expenses of last sickness and burial, not to exceed $100.	(a) (b) 50 per cent of weekly wages for not over 350 weeks; $15 maximum, $4 minimum, or full wages if less than $4; not more than $5,000 in all.	50 per cent of wage loss, not over $12 per week, not more than 300 weeks, including any period of total disability. Specified injuries, 50 per cent of wages for fixed periods, after not more than 10 weeks' allowance for total disability, if any; maximum, $15; minimum, $4, or actual wages if less.	Necessary medical attention, *not more than 30 days;* maximum, $100, charges limited to those for other persons of like standing. Continued treatment may be offered and must be accepted unless the commission orders otherwise. Special provision for surgical operations for hernia.	One-half benefits, not over $1,000, except to residents of Canada.	Notice immediately; barred after 30 days unless reasonable excuse and employer shown not to be prejudiced by delay; claim in 1 year.	(a) Industrial commission. (b) Agreement after 14 days, approved by commission; disputes or disagreements settled by commission after hearing, subject to review or limited appeal to courts.	Assenting employers must report within 10 days all accidents causing disability for 7 days, or requiring medical and surgical aid; supplemental report on termination of disability.	(a) No provision. (b) Commissioner of commerce and labor.[1]	Georgia.

[1] Not provided for in compensation law.

PRINCIPAL FEATURES OF LAWS OF THE UNITED STATES RELATIVE TO WORKMEN'S COMPENS

State	Employments covered		Insurance	How election is made		Defenses abrogated if employer does not elect	Suits for damages after election by both employer and employee	Special contracts	Injuries covered	Waiting time	Compensation be			
	Private	Public		By employer	By employee						Per cent of wages	Maximum and minimum weekly compensation payments	Maximum period	Dest (a) Depend (b) No dep
Hawaii. No. 221. Approved Apr. 25, 1915. In effect July 1, 1915. Amended, 1917, 1923.	*Compulsory*, as to all industrial employments carried on for gain, except casual employees, those not in usual course of employer's business, and those receiving more than $36 a week from any one employer.	*Compulsory*, as to all employees except elective officials or employees receiving more than $1,800 a year.	Employers must insure in private companies, or provide self-insurance.				Not permitted	Waivers forbidden	Personal injuries by accident arising out of and in course of employment unless due to willful intention to injure self or another, or to intoxication. Occupational diseases included.	1 week. None in case of partial disability.	Death, 25 to 60 per cent. Total disability, 60 per cent. Partial disability, 50 per cent.	Death: Basic wage, maximum, $30; minimum, $6. Total disability: Maximum, $20; minimum, $5, or actual wages if disability is temporary. Partial disability: Maximum, $12.	312 weeks	(a) Burial expense per cent of wage basic wage, m minimum, $5; $5,000. (b) Bu $100.
Idaho. Ch. 81. Approved Mar. 16, 1917. In effect Jan. 1, 1918. Amended, 1921, 1925, 1927.	*Compulsory*, as to all employments conducted for gain except farm and domestic service, outworkers, casual employment and charitable institutions. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees and officials, except judges of election, clerks of elections, and jurors.	Employers must insure in State fund or private companies, or provide self-insurance.				Not permitted	Approved substitute schemes permitted if benefits equal those of act; waivers forbidden.	Personal injuries by accident arising out of and in course of employment, unless due to willful intention to injure self or another, or intoxication.	1 week; compensated fifth to seventh weeks if disability continues.	Death, 29 to 55 per cent. Disability, 55 per cent.	Death: Maximum, $12; minimum, $6, or actual wages. Others, maximum, $16; minimum, $6.	Death, 400 weeks. Permanent total disability, life. Temporary total disability, 400 weeks. Partial disability, 150 weeks.	(a) Burial expens $200; 45 per cen widow or depe for 400 weeks, $5 or children, maxi imum, $6, or act Burial expenses, also $1,000 to fund.
Illinois. P. 314. Approved June 10, 1911. In effect May 1, 1912. New act, p. 355, 1913. Amended, 1915, 1917, 1919, 1921, 1923, 1925, 1927.	*Compulsory*, as to "extrahazardous" employments enumerated; farm labor, and persons not in usual course of employer's business excepted. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees except officials and members of fire departments in cities of 200,000 or more inhabitants.	Employers must insure in private companies, or provide self-insurance.				Not permitted	Approved schemes permitted if benefits equal those of act. No waiver of provisions of act as to amount of compensation without approval of board.	Accidental injuries arising out of and in course of employment. Occupational diseases in certain occupations included by separate act.	1 week. None if disability continues for 4 weeks or more.	Disability, 50 to 65 per cent.	Maximum, $14 to $19. Minimum, $7.99 to $14.	Permanent total disability, life. Permanent partial disability, 8 years. Temporary disability, during its continuance.	(a) 50 to 65 per until 4 years' ear maximum, $4,8 expenses, maxim $300 to second in
Indiana. Ch. 106. Approved Mar. 8, 1915. In effect Sept. 1, 1915. Amended, 1917, 1919, 1923, 1927.	*Elective*, as to mining. *Elective*, as to all other employments except farm labor, domestic service, casual employees not in usual course of employer's business, and railroad employees engaged in train service. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees.	Electing employers must insure in private companies, or provide self-insurance.	Presumed in absence of written notice, posted or served, and filed with industrial board.	Presumed in absence of written notice, served on employer and filed with industrial board.	Assumed risk, fellow service, and contributory negligence.	Permitted if employer fails to insure risk.	Approved schemes permitted if benefits equal those of act. All other waivers forbidden.	Personal injuries by accident arising out of and in course of employment unless due to willful misconduct, intentional self-inflicted injury, intoxication, and willful failure to use safety appliances or to obey safety laws, or commission of a crime.	1 week	Death, total disability, and specified injuries, 55 per cent.	Basic wage, maximum, $30; minimum, $10.	Death and partial disability, 300 weeks. Total disability, 500 weeks.	(a) Burial expens $100, 55 per cent weeks; basic wa $30; minimum, exceed $5,000. penses, maximu
Iowa. Ch. 147. Approved Apr. 18, 1913. In effect July 1, 1914. Amended, 1917, 1919, 1923, 1924, 1925, 1927.	*Elective*, as to all employments except farm labor, domestic service, casual employees, those not in course of employer's business, and clerks not subject to hazard of the industry.	*Compulsory*, as to all employees except firemen and police-men in pension funds.	Electing employers must insure in private companies, or provide self-insurance.	Presumed in absence of notice posted in establishment and filed with commissioner.	Presumed in absence of written notice to employer and industrial commissioner.	Assumed risk, fellow service, and contributory negligence unless willful and with intent to cause injury.	Permitted if employer fails to insure risk.	Approved schemes permitted, but no reduction of liability allowed. All other waivers forbidden.	Personal injuries arising out of and in course of employment, unless due to willful intention to injure self or another, intoxication, or willful act of a third party.	2 weeks; compensated during fifth to seventh weeks if disability continues	66 per cent	Death: Maximum, $15; minimum, $6. Disability: Maximum, $15; minimum, $6, or actual wages.	Death and temporary total disability, 300 weeks. Permanent total disability, 400 weeks.	(a) Burial expens $150; 66 per cen 300 weeks; wee $15; minimum, $ (b) Last sickne penses, maximu
Kansas. Ch. 218. Approved Mar. 14, 1911. In effect Jan. 1, 1912. Amended, 1913, 1917, 1919. New act, ch. 223, 1927. Approved Mar. 14, 1927. In effect June 30, 1927.	*Elective*, as to "especially dangerous" employments enumerated except those having less than 5 employees, farm labor, and those not in usual course of employer's business; all mines covered. *Voluntary*, as to excepted employments.	*Elective*, as to workmen on county and municipal work.	Electing employers must insure in private companies or provide self-insurance.	Presumed in absence of notice posted in establishment and filed with secretary of state.	Presumed in absence of written notice filed with employer and secretary of state.	Assumed risk, fellow service, and contributory negligence.	Not permitted	Approved schemes permitted if benefits equal those of act. Blind employees may waive right to compensation or damages.	Personal injuries by accident arising out of and in course of employment except when going to and from work, unless due to intoxication, deliberate intention to cause injury, or willful failure to use safeguards required by law or furnished by employer.	1 week	Disability, 60 per cent.	Disability: Maximum, $18; minimum, $9.	Disability, 8 years	(a) 3 years' earnin $4,000; minimu Burial expense $150.
Kentucky. Approved Mar. 23, 1916. In effect Aug. 1, 1916. Amended each session.	*Elective*, as to all employments except those having less than 3 employees, farm labor, and domestic service. Threshing and hulling grains and seeds are within the act. *Voluntary*, as to excepted employments.	*Elective*, as to all municipal corpomtions having 3 or more employees. *Voluntary*, as to others.	Electing employers must insure in Kentucky Employees' Insurance Association or other private companies, or provide self-insurance.	By writing filed with the commission and posted in the establishment.	By signed notice filed with employer.	Assumed risk, fellow service, and contributory negligence.	Permitted if injury is due to deliberate intention of employer or failure to file evidences as to insurance.	Approved schemes permitted if benefits equal those of act.	Personal injuries by accident arising out of and in course of employment, unless self-inflicted, due to willful misconduct or intoxication. Includes injuries due to inhaling gas or smoke in mines, or any kind of gas.	1 week	65 per cent	Maximum, $15. Minimum, $5.	Death, 336 weeks. Total disability, 8 years. Partial disability, 335 weeks.	(a) Burial expens $75; 65 per cent weeks; maximum $5; total not ov Burial expenses, and $100 to repre ceased.
Louisiana. No. 20. Approved June 18, 1914. In effect Jan. 1, 1915. Amended each session.	*Elective*, as to "hazardous" employments enumerated, or as agreed upon or determined by court, except employments not conducted for purpose of employer's business. *Voluntary*, as to other employments.	*Compulsory*, as to all employees except officials.	Employers under act must insure or give bond.	Presumed in absence of written notice to employee.	Presumed in absence of written notice to employer.	Assumed risk, fellow service, and contributory negligence.	Not permitted	No contract may relieve employer from liability.	Personal injuries by accident arising out of and in course of employment, unless due to willful intention to injure self or another, intoxication, deliberate failure to use safeguards, or breach of safety laws.	1 week. None if disability continues for 6 weeks or more.	Death, 32½ to 65 per cent. Disability, 65 per cent.	Maximum, $20. Minimum, $3, or actual wages.	Death, 300 weeks. Permanent total disability. 400 weeks. Temporary total and partial disability, 300 weeks.	(a) Expenses of bo $100 and $50 penses; 32½ to wages for 300 wee $20; minimum, wages. (b) Exp maximum, $100, gent expenses.
Maine. Ch. 295. Approved Apr. 1, 1915. In effect Jan. 1, 1916. Reenacted, 1919; amended, 1921, 1925, 1927.	*Elective*, as to all employments, except those having regularly less than 6 employees, farm labor, domestic service, logging operations, casual employees, and those not in usual course of employer's business. *Voluntary*, as to exempted employees.	*Compulsory*, as to all employees of State, counties, and cities, except officials. *Voluntary*, as to towns.	Electing employers must insure in private companies or provide self-insurance.	Writing filed with commission and posted in establishment.	Presumed, if employer elects, in absence of written notice to employer filed with commission.	Assumed risk, fellow service, and contributory negligence.	Not permitted	Existing approved schemes may be continued; waivers forbidden.	Personal injuries by accident arising out of and in course of employment unless due to willful intention to injure self or another, or intoxication without employer's knowledge.	7 days	66⅔ per cent	Maximum, $18. Minimum, $6.	Death, 300 weeks. Total disability, 600 weeks. Partial disability, 300 weeks.	(a) 66⅔ per cent weeks; total no maximum, $18. (b) Expenses of mum, $200.
Maryland. Ch. 800. Approved Apr. 16, 1914. In effect Nov. 1, 1914. Amended, 1916, 1917, 1920, 1922, 1924, 1927.	*Compulsory*, as to "extrahazardous" employments for gain (list) including State prisoners; act does not apply to casual employees, farm labor, domestic service, country blacksmiths, wheelwrights, or similar rural employments. *Voluntary*, as to works not extrahazardous.	*Compulsory*, as to all workmen employed for wages and engaged in extrahazardous employments, and State police force and penal institution guards. *Voluntary*, as to other employments.	Employers must insure in State fund or private companies, or provide self-insurance.				Permitted if employer failed to insure risk, or accident caused by his deliberate intention.	Waivers forbidden	Accidental personal injuries arising out of and in course of employment, unless due to willful intention to injure self or another, willful misconduct, or intoxication as the sole cause.	3 days	66⅔ per cent	Maximum, $13; minimum, $8, or actual wages.	Death, 416 weeks. Permanent total disability, life. Temporary total disability, 312 weeks.	(a) Burial expens $125; 66⅔ per cent weeks maximum, $8, or full wages. no less than $1,0 expenses, maximu estate sufficient t

[1] Not provided for in compensation law.

[2] But included by construction of law.

[3] Provision held by court to be

Compensation benefits						Medical and surgical aid	Nonresident alien dependents	Time for notice and claim	(a) By whom administered (b) How claims are settled	Accident reports required	Accident-prevention work by—(a) Compensation commission. (b) Other agencies	State
Per cent of wages	Maximum and minimum weekly compensation payments	Maximum period	Death (a) Dependents (b) No dependents	Total disability (a) Permanent (b) Temporary	Partial disability							
Death, 25 to 60 per cent. Total disability, 60 per cent. Partial disability, 50 per cent.	Death: Basic wage, maximum, $36; minimum, $5. Total disability: Maximum, $20; minimum, $5, or actual wages if disability is temporary. Partial disability: Maximum, $12.	312 weeks	(a) Burial expenses, $100; 25 to 60 per cent of wages for 312 weeks; basic wage, maximum, $36; minimum, $5; total not over $5,000. (b) Burial expenses, $100.	(a) (b) 60 per cent of wages during disability, not over 312 weeks; maximum, $20; minimum, $5, actual wages if disability is temporary; total not over $5,000.	50 per cent of wage loss during disability, not over 312 weeks; maximum, $12; minimum, $5; total not over $5,000. Specified injuries, 50 per cent of wages for fixed periods, in addition to temporary total. Disfigurement, maximum, $5,000.	Medical, surgical, and hospital service, such as the nature of the injury requires; charges limited to prevailing rates.	Excluded	Notice as soon as practicable; claim in 3 months; not required if aid or compensation has been voluntarily given.	(a) Industrial accident board for each county. (b) Voluntary agreement approved by board; disputed cases settled by board or by arbitration committee; review by full board; appeal to courts.	All employers must report all injuries of 1 day's disability or more as soon as practicable to industrial accident board; supplementary report at termination of disability or after 60 days.	(a) No provision. (b) No provision.	Hawaii.
Death, 20 to 55 per cent. Disability, 55 per cent.	Death: Maximum, $12; minimum, $6, or actual wages. Others, maximum, $16; minimum, $6.	Death, 400 weeks. Permanent total disability, life. Temporary total disability, 400 weeks. Partial disability, 150 weeks.	(a) Burial expenses, maximum, $200; 45 per cent of wages to widow or dependent widower for 400 weeks, 55 per cent if child or children, maximum, $12; minimum, $6, or actual wages. (b) Burial expenses, maximum, $200; also $1,000 to administration fund.	(a) (b) 55 per cent of wages for 400 weeks; 60 per cent if married, and 5 per cent for each child; maximum, $16; minimum, $6, in certain cases, $6.55 or $8; thereafter $6 a week during disability.	55 per cent of wage loss for not over 150 weeks; maximum, $16. Specified injuries, 55 per cent of wages for 99 per cent of fixed periods in addition to other benefits; weekly maximum, $16. 2 per cent of compensation to second injury fund. Disfigurement compensable.	Reasonable medical, surgical, and hospital service; hospital benefit funds permitted in lieu of above. Charges limited to prevading rates.	One-half benefits, subject to treaty provisions; nothing if law of nation excludes citizens of United States.	Notice as soon as practicable; claim in 1 year.	(a) Industrial accident board. (b) Voluntary agreement approved by board; disputed cases may be submitted to arbitration committee; review by full board; appeal to court upon questions of law.	All employers must report all accidents of 1 day's disability to industrial accident board within 48 hours; supplementary report after 60 days or upon termination of disability.	(a) Industrial accident board. (b) Inspector of mines.[1]	Idaho.
Disability, 50 to 65 per cent.	Maximum, $14 to $19. Minimum, $7.50 to $14.	Permanent total disability, life. Permanent partial disability, 8 years. Temporary disability, during its continuance.	(a) 50 to 65 per cent of wages until 4 years' earnings are paid; maximum, $4,550. (b) Burial expenses, maximum, $150, and $300 to second injury fund.	(a) 50 to 65 per cent of earnings for 8 years; maximum, $14 to $19; minimum, $7.50 to $14; thereafter 8 per cent of death benefits for life, minimum, $10 a month. (b) 50 to 65 per cent of earnings during disability; maximum, $14 to $19; minimum, $7.50 to $14; total not over $3,750.	50 to 65 per cent of wage loss during disability, not over 8 years; maximum, $14 to $19. Specified injuries, 50 to 65 per cent of wages for fixed periods; maximum, $14 to $19; minimum, $7.50 to $14, in addition to temporary total. Disfigurement, maximum, one-fourth death benefits.	Medical, surgical, and hospital service as reasonably required to effect a cure.	Included	Notice as soon as practicable, not later than 30 days; claim in 6 months.	(a) Industrial commission. (b) Voluntary agreement, not before 7 days after injury; disputed cases settled by arbitrator or arbitration committee; review by full commission; appeal to courts upon questions of law.	All employers within provisions of act must report all injuries of more than 1 week's disability to industrial commission; fatal accidents at once; others once a month; supplementary report of permanent disability cases.	(a) No provision. (b) Department of labor;[1] mine inspector.[1]	Illinois.
Death, total disability, and specified injuries, 55 per cent.	Basic wage, maximum, $30; minimum, $16.	Death and partial disability, 300 weeks. Total disability, 500 weeks.	(a) Burial expenses, maximum, $100; 55 per cent of wages for 300 weeks; basic wage, maximum, $30; minimum, $16; total not to exceed $5,000. (b) Burial expenses, maximum, $100.	(a) (b) 55 per cent of wages during disability, not over 500 weeks; basic wage, maximum, $30; minimum, $16; total not over $5,000.	50 per cent of wage loss for not over 300 weeks; basic wage, maximum, $30; minimum, $16. Specified injuries, 55 per cent wages for fixed periods; basic wage, maximum, $30; minimum, $16; disfigurement, not over 200 weeks.	Necessary medical, surgical, and hospital service *for 30 days*; 30 days' additional treatment if necessary in opinion of board; charges limited to prevailing rates.	No provision [2]	Notice in 30 days or benefits will begin from date of notice; claim in 2 years.	(a) Industrial board. (b) Voluntary agreement, not before 7 days after injury, approved by board; disputed cases settled by board or member thereof; review by full board; appeal to courts upon questions of law.	All employers must report all injuries of more than 1 day's disability within 1 week to industrial board; supplementary report after 60 days or upon termination of disability.	(a) Industrial board. (b) No provision.	Indiana.
60 per cent	Death: Maximum, $15; minimum, $6. Disability: Maximum, $15; minimum, $6, or actual wages.	Death and temporary total disbility, 300 weeks. Permanent total disability, 400 weeks.	(a) Burial expenses, maximum, $150; 60 per cent of wages for 300 weeks; weekly maximum, $15; minimum, $6, or full wages. (b) Lost sickness and burial expenses, maximum, $250.	(a) 60 per cent of wages for 400 weeks; weekly maximum, $15; minimum, $6, or actual wages. (b) Same for not over 300 weeks. Compensation increased by two-thirds for fifth, sixth, and seventh weeks of disability.	Specified injuries, 60 per cent of wages for fixed periods; proportionate for others; maximum, $15; minimum, $6, or actual wages.	Reasonable medical, surgical, and hospital service *for 4 weeks*, if requested by employee, court, or commissioner; maximum, $100; $100 additional in exceptional cases.	One-half benefits; nothing if law of nation excludes citizens of United States.	Notice in 15 days; if in 30 days, not barred except as to extent employer was prejudiced; bar absolute after 90 days; claim in 2 years.	(a) Industrial commissioner. (b) Voluntary agreement, not before 12 days after injury, approved by commissioner; disputed cases settled by arbitration committee; review by commissioner; appeal to courts.	All employers must report all accidents of more than 1 day's disability within 48 hours to industrial commissioner; supplementary report after 60 days or upon termination of disability.	(a) No provision. (b) Bureau of labor statistics;[1] mine inspectors.[1]	Iowa.
Disability, 60 per cent	Disability: Maximum, $18; minimum, $6.	Disability, 8 years	(a) 3 years' earnings; maximum, $4,000; minimum, $1,400. (b) Burial expenses, maximum, $150.	(a) (b) 60 per cent of earnings during disability, not over 8 years; weekly maximum, $18; minimum, $6.	60 per cent of wage loss during disability, not over 8 years; specified injuries, 60 per cent of wages for fixed periods; maximum, $18.	Reasonable medical, surgical, and hospital service *for 60 days*, if demanded by employee; maximum, $100, but commission may require employer to furnish additional treatment; maximum, $100.	$750 maximum [3]	Notice in 10 days; claim in in 90 days, but in case of death 6 months.	(a) Commissioner of compensation of public service commission. (b) Voluntary agreement; disputed cases settled by local arbitration committee or by an arbitrator; review by commission.	All employers must report accidents resulting in incapacity for more than remainder of day within 7 days after knowledge.	(a) Commissioner of compensation of the public service commission.	Kansas.
65 per cent	Maximum, $15. Minimum, $5.	Death, 335 weeks. Total disability, 8 years. Partial disability, 335 weeks.	(a) Burial expenses, maximum, $75; 65 per cent of wages for 335 weeks; maximum $12; minimum $5; total not over $4,000. (b) Burial expenses, maximum $75; and $100 to representative of deceased.	(a) (b) 65 per cent of wages during disability, not over 8 years; weekly maximum $15, minimum $5; total not over $6,000.	If permanent, percentage of a total disability; if temporary, 65 per cent of wage loss; not over 335 weeks; maximum, $15; total not over $4,000. Specified injuries, 65 per cent of wages for fixed periods; maximum, $12; minimum, $5. Compensation for disfigurement.[4]	Reasonable medical, surgical, and hospital service *for 90 days*, maximum $100, unless board fixes other period, when maximum is $200; same for hernia operation; charges limited to prevailing rates.	One-half benefits; to widows and children only.	Notice as soon as practicable; claim in 1 year.	(a) Workmen's compensation board. (b) Voluntary agreement approved by board; disputed cases settled by board, a member of same, or referee; review by full board; appeal to courts.	All employers subject to act must report all injuries of more than 1 day's disability to workmen's compensation board within 1 week; supplementary report after 60 days or upon termination of disability.	(a) No provision. (b) Mine inspectors;[1] Kentucky Employees' Insurance Association.	Kentucky.
Death, 32½ to 65 per cent. Disability, 65 per cent.	Maximum, $20. Minimum, $3, or actual wages.	Death, 300 weeks. Permanent total disability, 400 weeks. Temporary total and partial disability, 300 weeks.	(a) Expenses of burial, maximum $100 and $50 contingent expenses; 32½ to 65 per cent of wages for 300 weeks; maximum, $20; minimum, $3, or actual wages. (b) Expenses of burial, maximum, $100, and $50 contingent expenses.	(a) 65 per cent of wages for 400 weeks; maximum, $20; minimum, $3, or actual wages. (b) Same for not over 300 weeks.	65 per cent of wage loss for not over 300 weeks; maximum, $20. Specified injuries, 65 per cent of wages for fixed periods; maximum, $20; minimum, $3, or actual wages. Disfigurement, not over 100 weeks.	Reasonable medical, surgical, and hospital service; maximum, $250; charges governed by workman's station.	No provision	Notice in 6 months; proceedings must be begun within 1 year.	(a) Courts. (b) Voluntary agreement approved by court; disputed cases settled by court.	No provision	(a) No commission. (b) New Orleans factory inspector.[1]	Louisiana.
66⅔ per cent	Maximum, $18. Minimum, $6.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.	(a) 66⅔ per cent of wages for 300 weeks; total not over $4,000; maximum, $18; minimum, $6. (b) Expenses of burial, maximum, $200.	(a) (b) 66⅔ per cent of wages during disability, not over 500 weeks; maximum, $18; minimum, $6; total not over $6,000.	66⅔ per cent of wage loss, maximum, $18 for not over 300 weeks. Specified injuries, 66⅔ per cent of wages for fixed periods; thereafter a total or partial disability benefit, not over 300 weeks in all.	Reasonable medical and hospital service *for 30 days*, maximum, $100; additional service in discretion of commission.	One-half benefits except to residents of Canada.	Notice in 30 days; claim in 1 year.	(a) Industrial accident commission. (b) Voluntary agreement approved by commission; disputed cases settled by commissioner; appeal to court upon questions of law.	All assenting employers must report all accidents promptly to industrial accident commission; insurers must furnish information requested by commission or insurance commissioner.	(a) No provision. (b) Department of labor and industry.[1]	Maine.
66⅔ per cent	Maximum, $18; minimum, $8, or actual wages.	Death, 416 weeks. Permanent total disability, life. Temporary total disability, 312 weeks.	(a) Burial expenses, maximum, $125; 66⅔ per cent of wages for 8 years; maximum, $18, minimum, $8, or full wages, not over $5,000 nor less than $1,000. (b) Burial expenses, maximum, $125, unless estate sufficient to defray same.	(a) 66⅔ per cent of wages for life; maximum, $18; minimum, $8, or actual wages; total not over $5,000. (b) 66⅔ per cent of wages for not over 6 years; maximum, $18, minimum, $8, or actual wages; total not over $3,750.	50 per cent of wage loss; maximum, $18, total not over $3,000, if permanent, or $3,500, if temporary. Specified injuries, 66⅔ per cent of wages for fixed periods; maximum, $18; minimum, $8, or full wages, in addition to temporary total; not over $3,750 in all.	Such medical, surgical, or hospital service, including artificial limbs, as may be required by commission; maximum, $500. Charges limited to prevailing rates.	Dependent widows, children, and parents only; may commute within 1 year at three-fourths value, not over $2,400.	Notice of accident in 10 days; of death in 30 days, unless sufficient reason; claim in 30 days for injury, 1 year death.	(a) Industrial accident commission. (b) Application by employee to commission which may render award, or appoint arbitration committee, appeal to commission, then to courts.	All employers must report all accidents to industrial accident commission at once. Commission may require additional reports.	(a) Industrial accident commission. (b) Board of labor and statistics; mine inspector.[1]	Maryland.

[2] Provision held by court to be in conflict with treaty and with fourteenth amendment.

State	Employments covered		Insurance	How election is made		Defenses abrogated if employer does not elect	Suits for damages after election by both employer and employee	Special contracts	Injuries covered	Waiting time	Compensation			
	Private	Public		By employer	By employee						Per cent of wages	Maximum and minimum weekly compensation payments	Maximum period	Dea (a) Depe (b) No dep
Massachusetts. Ch. 751. Approved July 28, 1911. In effect July 1, 1912. Amended, each year.	*Elective*, as to all employments, except farm labor, domestic service, and persons not in usual course of employer's business. *Voluntary*, as to excepted employments.	*Compulsory*, as to laborers, workmen, and mechanics of State, death of members of National Guard. *Elective*, as to counties, cities, towns, or districts having power of taxation.	Electing private employers must insure in Massachusetts Employees' Insurance Association or other private companies.	By subscribing to State association or insuring in other companies.	Presumed in absence of written notice, if employer insures.	Assumed risk, fellow service, and contributory negligence.	Not permitted.....	Waivers forbidden but employee peculiarly susceptible to injury may obtain approval of department to waive his rights.	Personal injuries arising out of and in course of employment, unless due to serious and willful misconduct. (Occupational diseases included by decision of court.)	7 days. None if disability continues more than 4 weeks.	66⅔ per cent.....	Scheduled specified injuries: Maximum, $10; minimum, $1. Others: Maximum, $18; minimum, $9 or actual wages.	Death and total disability, maximum 500 weeks; partial disability, no limit.	(a) Widow, $10 per each child; maxi or $6,000. Oth 66⅔ per cent o weeks: maximu mum, $4; total) (b) Expenses c mum, $150; and injury fund.
Michigan. No. 10. Approved Mar. 28, 1912. In effect Sept. 1, 1912. Amended, 1913, 1915, 1917, 1919, 1921, 1927.	*Elective*, as to all employments, except employees not in usual course of employer's business.	*Compulsory*, as to all employees, except elected officials.	Electing employers must insure in State fund or private companies or provide self-insurance.	Writing filed with industrial accident board.	Presumed in absence of written notice, if employer elects.	Assumed risk, fellow service, and contributory negligence.	Permitted if employer is in default on insurance premiums.	Existing schemes may be continued, but no reduction in liability allowed; waivers forbidden.	Personal injuries arising out of and in course of employment, unless due to intentional and willful misconduct. (Court holds injury must be accidental.)	1 week. None if disability continues 6 weeks.	66⅔ per cent.....	Maximum, $18. Minimum, $7.	Death, 300 weeks. Disability, 500 weeks.	(a) Expenses of la burial, maximu cent of wages maximum, $15; (b) Expenses of l burial, maximu
Minnesota. Ch. 467. Approved Apr. 24, 1913. In effect Oct. 1, 1913. Amended, 1915, 1917, 1919. New act, ch. 82, 1921. Amended, 1921, 1923, 1925, 1927.	*Elective*, as to all employments, except farm labor, domestic service, steam railroads, casual employees not in usual course of employer's business, Commercial threshing and baling included. *Voluntary*, as to farm labor.	*Elective*, as to employees of State, counties, cities, towns, villages, and school districts, except officials.	Electing employers must insure in private companies or provide self-insurance.	Presumed in absence of written notice posted in establishment and filed with commissioner of labor. Contracts must state rejection in writing.	Presumed in absence of written notice to employer and filed with commissioner of labor.	Assumed risk, fellow service, and contributory negligence, unless willful.	Not permitted.....	Employer may maintain approved schemes, but may not reduce liability fixed by law.	Personal injuries by accident arising out of and in course of employment, unless intentionally self-inflicted, due to intoxication, or caused by fellow employee for personal reason. Designated occupational diseases included.	1 week. None if disability continues 4 weeks.	Death, 30 to 66⅔ per cent. Disability, 66⅔ per cent.	Maximum, $20. Minimum $8, or actual wages.	Death, during dependency. Permanent total disability, life. Temporary total and partial disability, 300 weeks.	(a) Burial expens $150; 30 to 66⅔ p maximum, $23; actual wages; $7,500. (b) Exp maximum, $150; ond injury fund
Missouri. P. 375. Approved Apr. 5, 1926. Deferred by referendum. Approved on referendum and effective Nov. 2, 1926.	*Elective*, as to all employments where more than 10 are regularly employed, except farm and domestic servants, casual employees, outworkers, and those whose earnings exceed $3,600 per year; also of 16 or less, if employment found hazardous.	*Elective*, acceptance by enactment of law or ordinance.	Electing employers must insure in private companies or provide self-insurance.	Presumed in absence of written notice filed with the commission.	Presumed in absence of written notice filed with the commission.	Assumed risk, fellow service, and contributory negligence.	Permitted if employer fails to secure payment of compensation.	Waivers forbidden.....	Personal injuries by accident arising out of and in course of employment, not intentionally self-inflicted.	3 days. None if disability continues more than 4 weeks.	66⅔ per cent.....	Maximum, $20. Minimum, $6, or actual wages in case of temporary disability.	Temporary total disability, 400 weeks; permanent, during life.	(a) Burial expens $150; expenses maximum, $250; times 66⅔ per earnings, payab maximum, $6 a Expenses of las burial, as above
Montana. Ch. 96. Approved Mar. 8, 1915. In effect July 1, 1915. Amended, 1916, 1921, 1925.	*Elective*, as to hazardous employments; farm labor, domestic service, and casual employees (defined as not in usual course of employer's business) excepted. *Voluntary*, as to nonhazardous employments.	*Compulsory*, as to all employees, including those of public contractors.	Electing employers must insure in State fund or private companies or provide self-insurance; nonhazardous employments in State fund.	Writing filed with board and posted in establishments.	Presumed in absence of notice posted in establishment and filed with board.	Assumed risk, fellow service, and contributory negligence unless willful.	Permitted if employer in State fund is in default oh insurance premiums.	Waivers forbidden; hospital fund may be maintained.	Injuries from fortuitous event arising out of and in course of employment.	2 weeks. None if disability continues 8 weeks.	Death, 20 to 50 per cent. Disability, 50 per cent.	Maximum, $15. Minimum, $7, or actual wages.	Death, 400 weeks. Permanent total disability, 500 weeks. Temporary total disability, 300 weeks. Partial disability, 100 weeks.	(a) Burial expens $150, 30 to 50 pe for 400 weeks; minimum, $7. o (b) Burial expen $125.
Nebraska. Ch. 198. Approved Apr. 21, 1913. In effect Dec. 1, 1914. Amended, 1917, 1919, 1921, 1927.	*Elective*, as to all employments except farm labor, domestic service, outworkers, and casual employees not in the usual course of the employer's business. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees, except officials elected or appointed for fixed terms.	Electing employers must insure in private companies or provide self-insurance.	Presumed in absence of notice posted in establishment and filed with compensation commissioner.	Presumed in absence of notice to employer and filed with compensation commissioner.	Assumed risk, fellow service, and contributory negligence unless willful.	Permitted if employer fails to insure risk.	Existing schemes may be continued if benefits equal those of act. Waivers forbidden.	Personal injuries by accident arising out of and in course of employment, unless due to willful negligence (deliberate and reckless indifference to safety, or intoxication).	1 week. None if disability continues for 6 weeks.	66⅔ per cent.....	Maximum, $15. Minimum, $6, or actual wages.	Death, 350 weeks. Permanent total disability, life. Temporary total disability, during its continuance. Partial disability, 300 weeks.	(a) Expenses of bu $150; 66⅔ per ce 350 weeks; maxi mum, $6, or act Expenses of bur $150.
Nevada. Ch. 183. Approved Mar. 24, 1911. In effect July 1, 1911. New act, ch. 111, 1913. Amended, each session.	*Elective*, as to all employments except farm labor, domestic service, and casual employees not in usual course of employer's business. *Voluntary*, as to exempted employments.	*Compulsory*, as to all employees, including those of public contractors.	Electing employers must insure in State fund.	Writing filed with commission; notice of rejection to be posted in establishment.	Presumed in absence of notice to employer and filed with commission.	Assumed risk, fellow service, and contributory negligence unless willful.	Permitted if employer is in default on insurance premiums.	Waivers forbidden. Hospital fund may be maintained.	Personal injuries by accident arising out of and in course of employment, unless due to wilful intention to injure self or another, or sustained while intoxicated.	7 days. Then compensation from date of injury.	Death, 10 to 66⅔ per cent. Total and temporary partial disability, 60 per cent; permanent partial and specified injuries, 50 per cent.	Death: Maximum basic wage, $120 a month. Disability: Monthly maximum, $40 to $72; minimum, $30.	Death, during life or until remarriage of widow or dependent widower. Total disability, during its continuance.	(a) Burial expens $150; widow or dependent widower, 20 per cent; death or remarri additional for e not over 66⅔ pe maximum basi Also burial expe $150, in case of d ent. (b) Burial mum, $150.
New Hampshire. Ch. 163. Approved Apr. 15, 1911. In effect Jan. 1, 1912. Amended, 1923.	*Elective*, as to "dangerous" employments enumerated, except factories or shops having less than 5 employees engaged in manual or mechanical labor; applies only to "workmen."	No provision.....	Electing employers must give proof of financial ability or file a bond.	Writing filed with commissioner of labor.	By accepting compensation or beginning proceedings under act.	Fellow service, contributory negligence, assumption of risk.	Permitted in lieu of compensation after injury.	No provision.....	Injuries by accident arising out of and in course of employment, unless due to willful misconduct, intoxication, or violation of law.	1 week. Then compensation from date of injury.	Disability, 50 per cent.	Disability, maximum, $15. Minimum, no provision.	Disability, 300 weeks.....	(a) 150 times we total not over $ persons of medi and burial; maxi
New Jersey. Ch. 95. Approved Apr. 4, 1911. In effect July 4, 1911. Amended, 1913, 1914, 1919, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928.	*Elective*, as to all employments except casual employees.	*Compulsory*, as to all employees, except elective officials or those receiving a salary over $1,200.	All employers must insure in private companies, or provide self-insurance; employers of farm labor and domestic service exempted.	Presumed in absence of written notice to employees.	Presumed in absence of written notice to employer.	Assumed risk, fellow service, and contributory negligence unless willful. Abrogation does not depend upon rejection of act.	Not permitted.....	No substitute agreements valid.	Personal injuries by accident arising out of and in course of employment, unless intentionally self-inflicted, or due to intoxication. Designated occupational diseases included.	7 days. None if disability exceeds 7 weeks.	Death, 35 to 60 per cent. Disability, 66⅔ per cent.	Maximum, $20. Minimum, $10, or actual wages.	Death, 300 weeks, plus disability, 500 weeks. Permanent total disability, 400 weeks. Temporary total and partial disability, 300 weeks.	(a) Burial expens $150; 35 to 60 pe for 300 weeks; minimum $10 o (b) Expenses of maximum, $100, penses, maximum

[1] Not provided for in compensation law.

Compensation benefits						Medical and surgical aid	Nonresident alien dependents	Time for notice and claim	(a) By whom administered (b) How claims are settled	Accident reports required	Accident-prevention work by—(a) Compensation commission. (b) Other agencies	State
Per cent of wages	Maximum and minimum weekly compensation payments	Maximum period	Death (a) Dependents (b) No dependents	Total disability (a) Permanent (b) Temporary	Partial disability							
66⅔ per cent	Scheduled specified injuries: Maximum, $10; minimum, $4. Others: Maximum, $18; minimum, $9 or actual wages.	Death and total disability, maximum $5 00 weeks; partial disability, no limit.	(a) Widow, $10 per week plus $2 for each child; maximum, 400 weeks or $6,400. Other dependents 66⅔ per cent of wages for 260 weeks; maximum, $18; minimum, $7. (b) Expenses of last sickness and burial, maximum, $200.	(a) (b) 66⅔ per cent of wages for not over 500 weeks; weekly maximum, $18; minimum, $9 or actual wages; total not over $4,500.	66⅔ per cent of wage loss, maximum, $18; total not over $4,500. Specified injuries, 66⅔ per cent of wages for fixed periods in addition to all other compensation; maximum, $10; minimum, $4.	Reasonable medical, surgical, and hospital service *for 2 weeks*, or longer, in cases requiring specialized or surgical treatment at discretion of board.	No provision [1]	Notice as soon as practicable; claim in 6 months.	(a) Industrial accident board. (b) voluntary agreement approved by board; disputed cases settled by member of board; appeal to full board; certain cases taken direct to board; appeal to court upon questions of law.	All employers must report all injuries to board within 48 hours; supplementary report after 60 days or termination of disability; insurers report compensation paid within 10 days after termination of disability.	(a) No provision. (b) Department of labor and industries; [1] Massachusetts Employees' Insurance Association.	Massachusetts
66⅔ per cent	Maximum, $18. Minimum, $7.	Death, 300 weeks. Disability, 600 weeks.	(a) Expenses of last sickness and burial, maximum, $200; 66⅔ per cent of wages for 300 weeks; maximum, $18; minimum, $7. (b) Expenses of last sickness and burial, maximum, $200.	(a) (b) 66⅔ per cent of wages during disability, for not over 600 weeks; weekly maximum, $18; minimum, $7; total not over $9,000.	66⅔ per cent of wage loss during disability, for not over 500 weeks; weekly maximum, $18. Specified injuries, 66⅔ per cent of wages for fixed periods; weekly maximum, $18; minimum, $7, in lieu of other payments.	Reasonable medical and hospital service, *for 30 days*.	Alien dependents residing outside of the United States entitled to 66⅔ of compensation.	Notice in 3 months; claim in 6 months; 2 years if disability develops after 6 months after date of injury.	(a) Department of labor and industry. (b) Voluntary agreement approved by department; disputed cases settled by arbitration committee; appeal to department; certain cases taken direct to department; appeal to court upon questions of law.	All employers must report all injuries to department on eighth day after occurrence; supplemental report of deaths within 14 days.	(a) No provision. (b) Department of labor and industry. [1]	Michigan.
Death, 30 to 66⅔ per cent. Disability, 66⅔ per cent.	Maximum, $20. Minimum $8, or actual wages.	Death, during dependency. Permanent total disability, life. Temporary total and partial disability, 300 weeks.	(a) Burial expenses, maximum, $150; 30 to 66⅔ per cent of wages; maximum, $20; minimum, $8, or actual wages; total not over $7,500. (b) Expenses of burial, maximum, $150; and $200 to second injury fund.	(a) 66⅔ per cent of wages; maximum, $20; minimum, $8, or actual wages; not over $10,000 in all. (b) 66⅔ per cent of wages for not over 300 weeks; maximum, $20, minimum, $8, or actual wages.	66⅔ per cent of wage loss during disability, for not over 300 weeks; maximum, $20. Specified injuries, 66⅔ per cent of wages for fixed periods, in addition to temporary total; maximum, $20, minimum, $8, or actual wages. Disfigurement, not over 75 weeks.	Reasonable medical and surgical treatment *for 90 days*; commission may allow additional treatment, if need is shown. Charges limited to prevailing rates.	Included	Notice in 14 days; if in 30 days not barred except as to extent employer was prejudiced; bar absolute after 90 days. Action must be brought within 6 years.	(a) Industrial commission. (b) Employers are directed to pay compensation according to terms of act, without agreement or order; may not discontinue over protest of beneficiary without notice to commission. Orders issue after hearing, subject to review and appeal to courts.	All electing employers must report fatal and serious accident within 48 hours, other industrial accidents within 7 days to industrial commission.	(a) No provision. (b) Department of labor and industries; [1] county inspectors of mines. [1]	Minnesota.
66⅔ per cent	Maximum, $20. Minimum, $6, or actual wages in case of temporary disability.	Temporary total disability, 400 weeks; permanent, during life.	(a) Burial expenses, maximum, $150; expenses of last sickness, maximum, $250; three hundred times 66⅔ per cent of weekly earnings, payable weekly; $20 maximum, $6 minimum. (b) Expenses of last sickness and burial, as above.	(a) 66⅔ per cent of wages for 300 weeks; $20 maximum, $6 minimum, then 25 per cent of wages for life. (b) 66⅔ per cent of wages for not over 400 weeks; $20 maximum, minimum $6, or actual wages.	66⅔ per cent of wage loss, maximum, $20, not over 100 weeks if temporary. Specified injuries, 66⅔ per cent of wages; maximum $20, minimum, $6, for fixed periods, in lieu of all other compensation. Disfigurement, not over $1,000 additional.	Medical, surgical, and hospital treatment as reasonably required for 60 days, not over $250, and thereafter within one year, as commission may determine.	No provision	Notice in 30 days; claim in 6 months.	All employers must report all injuries in 10 days; supplementary report in one month.	(a) No provision. (b) State industrial inspector. [1]	Missouri.
Death, 70 to 50 per cent. Disability, 50 per cent.	Maximum, $15. Minimum, $7, or actual wages.	Death, 400 weeks. Permanent total disability, 500 weeks. Temporary total disability, 300 weeks. Partial disability, 150 weeks.	(a) Burial expenses, maximum, $150, 30 to 50 per cent of wages for 400 weeks; maximum, $15, minimum, $7, or actual wages. (b) Burial expenses, maximum, $125.	(a) 50 per cent of wages for 500 weeks; maximum, $15; minimum, $7. (b) 50 per cent of wages for not over 300 weeks; maximum, $15; minimum, $7, or actual wages, in lieu of all other compensation.	50 per cent of wage loss, for not over 150 weeks if permanent, 50 weeks if temporary; maximum, $7.50. Specified injuries, 50 per cent of wages for fixed periods; maximum, $15; minimum, $7, or actual wages, in lieu of all other compensation.	Reasonable medical and hospital service for *6 months*; maximum, $500, unless there is a hospital fund; special operating fee of $50 in case of hernia.	Excluded unless treaty to contrary, then 40 per cent benefits if treaty permits; none if law of nation excludes citizens of United States.	Notice in 60 days; claim in 6 months.	(a) Industrial accident board. (b) Disputed cases determined by board subject to rehearing on certain specified grounds; limited appeal to courts.	All employers and insurers must report all accidents to industrial accident board; employers not in State fund must report monthly on compensation and medical aid paid.	(a) Industrial accident board. (b) Department of labor and industries (mines and boilers only). [1]	Montana.
66⅔ per cent	Maximum, $15. Minimum, $6, or actual wages.	Death, 350 weeks. Permanent total disability, life. Temporary total disability, during its continuance. Partial disability, 300 weeks.	(a) Expenses of burial, maximum, $150; 66⅔ per cent of wages for 350 weeks; maximum, $15; minimum, $6, or actual wages. (b) Expenses of burial, maximum, $150.	(a) (b) 66⅔ per cent of wages for 300 weeks; maximum, $15; minimum, $6, or actual wages; thereafter 45 per cent of wages during disability; maximum, $12; minimum, $4.50, or actual wages.	66⅔ per cent of wage loss for not over 300 weeks; maximum, $15. Specified injuries, 66⅔ per cent of wages for fixed periods, in addition to temporary total; maximum, $15; minimum, $6, or actual wages; certain disfigurements compensated.	Reasonable medical and hospital service not exceeding the regular charge in similar cases.	Widowers, brothers, and sisters excluded; may commute within one year at two-thirds value.	Notice as soon as practicable; claim in 6 months; bar absolute after 1 year.	(a) Commissioner of labor who is also compensation commissioner. (b) Voluntary agreement filed with commissioner; disputed cases settled by commissioner; appeal to court.	Reports of accidents shall be made as directed by compensation commissioner.	(a) No provision. (b) Bureau of labor.	Nebraska.
Death, 10 to 66⅔ per cent. Total and temporary partial disability, 66 per cent; permanent partial and specified injuries, 50 per cent.	Death: Maximum basic wage, $120 a month. Disability: Monthly maximum, $40 to $72; minimum, $30.	Death, during life or until remarriage of widow or dependent widower. Total disability, during its continuance.	(a) Burial expenses, maximum, $150; widow or dependent widower, 30 per cent of wages until death or remarriage; 15 per cent additional for each child; total not over 66⅔ per cent; monthly maximum basic wage, $120. Also burial expenses, maximum $150, in case of death of dependent. (b) Burial expenses, maximum, $150.	(a) 60 per cent of wages for life; monthly maximum, $66; minimum, $30; also $30 for services of constant attendant, if required; (b) 60 per cent of wages, for not over 100 months; total not over $7,200; monthly maximum, $72; minimum, $30; $10 additional per month if dependents in United States.	60 per cent of wage loss for not over 60 months; monthly maximum, $40. If permanent, 50 per cent of wages for periods proportioned to disability, for not over 60 months; monthly maximum, $66. Specified injuries 50 per cent of wages for fixed periods in addition to temporary total; monthly maximum, $50; minimum, $30. Disfigurement, not over 12 months.	Reasonable medical, surgical, or hospital treatment *for 6 months*, which may be extended an additional year by commission. Transportation furnished. Charges limited to prevailing rates.	60 per cent of benefits.	Notice of injury in 30 days; death in 60 days; claim in 90 days for disability; 1 year for death.	(a) Industrial commission. (b) By commission under rules adopted by it.	All electing employers and physicians must report all accidents to industrial commission.	(a) No provision. (b) Labor commissioner, [1] inspectors of mines. [1]	Nevada.
Disability, 50 per cent.	Disability, maximum, $15. Minimum, no provision.	Disability, 300 weeks	(a) 150 times weekly earnings; total not over $3,000. (b) Expenses of medical attendance and burial; maximum, $100.	(a) (b) 50 per cent of wages, for not over 300 weeks; maximum, $15.	50 per cent of wage loss for not over 300 weeks; maximum, $15.	Reasonable medical and hospital services for 14 days.	No provision	Notice as soon as practicable and before leaving service; claim in 6 months.	(a) Courts. (b) Voluntary agreement, or by action in equity before superior court.	All employers subject to act must make such reports to commissioner of labor as required by him.	(a) No commission. (b) Bureau of labor. [1]	New Hampshire.
Death, 35 to 60 per cent. Disability, 66⅔ per cent.	Maximum, $20. Minimum, $10, or actual wages.	Death, 300 weeks, plus disability, 500 weeks. Permanent total disability, 400 weeks. Temporary total and partial disability, 500 weeks.	(a) Burial expenses, maximum, $150; 35 to 60 per cent of wages for 300 weeks; maximum, $20; minimum $10 or actual wages. (b) Expenses of last sickness, maximum, $100, and burial expenses, maximum, $100.	(a) 66⅔ per cent of wages for 400 weeks; maximum, $20, minimum, $10, or actual wages. (b) 66⅔ per cent of, wages, for not over 300 weeks; maximum, $20; minimum, $10. or actual wages.	66⅔ per cent of wages for periods proportioned to disability, for not over 300 weeks. Specified injuries, 66⅔ per cent of wages for fixed periods; maximum, $20; minimum, $10, or actual wages; all in addition to temporary total.	Reasonable medical and hospital service; maximum, $100; in cases requiring unusual treatment bureau may increase amount; special operating fee of $150 in case of hernia.	No provision	Notice in 14 days; 30 days, except as employer is prejudiced; bar absolute after 90 days; claim in 1 year. Notice of occupational disease in 5 months after last exposure.	(a) Department of labor. (b) Voluntary agreement approved by department; disputed cases settled by department or referee; appeal to courts.	Employers must make immediate report to department of all accidents and occupational diseases.	(a) Department of labor. (b) No provision.	New Jersey.

[1] But included by construction of law.

State	Employments covered		Insurance	How election is made		Defenses abrogated if employer does not elect	Suits for damages after election by both employer and employee	Special contracts	Injuries covered	Waiting time	Compensation			
	Private	Public		By employer	By employee						Per cent of wages	Maximum and minimum weekly compensation payments	Maximum period	Dea (a) Depen (b) No dep
New Mexico. Ch. 83. Approved Mar. 13, 1917. In effect June 8, 1917. Amended, 1919, 1921, 1927.	*Elective*, as to "extrahazardous" employments for gain if 4 or more employees, casual employees not in usual course of employer's business excepted, numerical exception does not apply to structural work 10 feet above ground. *Voluntary*, as to nonhazardous employments.	*Elective*, as to employees of the State highway commission engaged in extrahazardous occupations.	Electing employers must insure in private companies or provide self-insurance.	Presumed in absence of written notice to employees.	Presumed in absence of written notice to employer.	Assumed risk, fellow service, and contributory negligence.	Not permitted	No provision except that employer may maintain hospital fund.	Injuries by accident arising out of and in course of employment, unless due to intoxication or intentionally inflicted by himself or another.	10 days	Death, 15 to 60 per cent. Disability, 50 per cent.	Death: Basic weekly wage, maximum, $30. Disability: Maximum, $12; minimum, $6, or actual wages.	Death, 300 weeks; total disability, 520 weeks; partial disability, no provision.	(a) Burial expen $75; 15 to 60 pe for 300 weeks; b mum, $30. burial, maxim medical attenda $150.
New York. Ch. 816. Approved Dec. 16, 1913. In effect July 1, 1914. Amended each year.	*Compulsory*, as to enumerated "hazardous" employments, and all other employments having 4 or more workmen or operatives; farm and domestic services excluded. *Voluntary*, as to other employments.	*Compulsory*, as to all employees.	Employers must insure in State fund or private companies, or provide self-insurance.				Permitted if employer fails to insure risk.	Waivers forbidden	Accidental personal injuries arising out of and in course of employment, unless due to willful intention to injure self or another, or intoxication. Designated occupational diseases included.	1 week. None if disability continues for more than 7 weeks.	Death, 15 to 66⅔ per cent. Disability, 66⅔ per cent.	Death: Maximum basic wage, $150 a month. Disability: Weekly maximum, $25; minimum, $8, or full wages.	Death, during life or until remarriage of widow or dependent widower. Permanent total disability, life. Others, during disability.	(a) Burial expen $200; widow or ower, 30 per cen death or remarr additional for e not over 66⅔ mum basic wag (b) Burial expe $200, and $1,000 funds.
North Dakota. Ch. 162. Approved Mar. 5, 1919. In effect July 1, 1919. Amended 1921, [illegible], 1925, 1927.	*Compulsory*, as to all employments except executive officers receiving more than $2,400 per year, farm and domestic service, casual employees not in usual course of employer's business, and any common carrier by steam railroad. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees.	Employers must insure in State fund.				Permitted if employer fails to insure risk.	Waivers forbidden	Injuries arising in course of employment unless caused by willful intention to injure self or another, including diseases proximately caused by the employment.	1 week. None if disability continues for more than 1 week.	Death, 20 to 66⅔ per cent. Disability, 66⅔ per cent.	Death: Basic weekly wage; maximum, $30, minimum, $18, but compensation not more than wages. Disability: Weekly maximum, $20, minimum, $6, or actual wages if less than $6.	Death, during life or until remarriage. Disability, during its continuance.	(a) Burial expen $150; 35 per cent to widow or dep until death or per cent addi child, total not cent; basic wage. minimum, $13, to exceed wages, $15,000. (b) B maximum, $150.
[illegible] P. 524. Approved June [illegible] 1911. In effect Jan. 1, 1912. Amended each session up to [illegible].	*Compulsory*, as to all employments except those having less than 3 employees, and casual employees not in usual course of employer's business. *Voluntary*, as to employments having less than 3 employees.	*Compulsory*, as to all employees, except officials or firemen and policemen in cities having pension funds.	Employers must insure in State fund or provide self-insurance.				Permitted in case of default on insurance premiums.	Waivers forbidden except in case of blind employees.	Injuries sustained in course of employment, unless purposely self-inflicted. Designated occupational diseases included.	1 week	66⅔ per cent	Maximum, $18.75; minimum, $5, or actual wages.	Death, 416 weeks. Permanent total disability, life. Temporary total disability, 312 weeks. Partial disability, during its continuance.	(a) Burial expen $150; 66⅔ per ce years; maximum not over $6,500 $2,000. (b Bu maximum, $150.
Oklahoma. Ch. 246. Approved Mar. 22, 1915. In effect Sept. 1, 1915. Amended 1919, 1923.	*Compulsory*, as to "hazardous" employments (enumerated list and general clause) conducted for gain except those having less than 2 employees, farm labor, and employees not engaged in manual or mechanical work.	*Compulsory*, as to all workmen in hazardous employments employed for wages, except when equivalent schemes are in force.	Employers must insure in private companies or provide self-insurance.				Permitted if employer fails to insure risk.	Approved schemes permitted. Waivers forbidden.	Accidental personal injuries, not fatal, arising out of and in course of employment, unless due to willful intention to injure self or another, intoxication, or willful failure to use statutory safeguards.	5 days	66⅔ per cent	Maximum, $18. Minimum, $8, or actual wages.	Permanent total disability, 500 weeks. Temporary total and partial disability, 300 weeks.	Fatal accidents no
Oregon. Ch. 112. Approved Feb. 25, 1913. In effect July 1, 1914. Deferred by referendum. Amended, each session.	*Elective*, as to enumerated "hazardous" employments except farm labor. *Voluntary*, as to excepted employment.	*Compulsory*, as to hazardous occupations. *Elective*, as to others.	Electing employers must insure in State fund.	Presumed in hazardous employments in absence of notice posted in establishment and filed with commission.	Presumed in absence of written notice, if employer elects.	Assumed risk, fellow service, and contributory negligence except willful and with purpose of self-injury.	Permitted if injury is due to willful act of employer or in case of default on insurance premiums.	Waivers forbidden	Personal injuries by accident arising out of and in course of employment, unless due to deliberate intention to injure self.	None	Monthly pension; amounts not based on wages, except for temporary total disability.	Monthly pension. Minimum: death, $15, permanent total disability, $30; no maximum. Temporary total disability, $30 to $97. Permanent partial disability, $25.	Death, during life or until remarriage of widow or invalid widower. Total disability, during its continuance. Temporary partial disability, 104 weeks.	(a) Burial [illegible] $100; wido[illegible] $30 a month un marriage; $8 fr der 16. Bu maximum, $100.
Pennsylvania. No. 338. Approved June 2, 1915. In effect Jan. 1, 1916. Amended, 1917, 1919, 1921, 1923, 1925, 1927.	*Elective*, as to all employments except farm labor, domestic service, casual employees not in usual course of employer's business, and outworkers.	*Compulsory*, as to all employees, including public contractors.	Electing employers must insure in State fund or private companies or provide self-insurance.	Presumed in absence of notice posted in establishment, given employee, and filed with compensation bureau.	Presumed in absence of written notice to employer and filed with compensation bureau.	Assumed risk, fellow service, and contributory negligence unless due to intoxication or recklessness. Abrogation does not depend upon rejection of act.	Permitted if employer fails to insure risk.	Waivers forbidden	Personal injuries by accident in course of employment, unless intentionally self-inflicted, or due to intentional act of third party for reasons not connected with the employmant.	7 days	Death, 15 to 65 per cent. Disability, 65 per cent.	Death: Basic wage, maximum, $24; minimum, $12. Disability: Maximum, $15; minimum, $7, or actual wages.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.	(a) Expenses of mum, $100; $15 wages for 300 we maximum, $24; (b) Expenses mum, $150.
Philippines. Act No. 3428 of Dec. 10, 1927. In effect June 30, 1928.	*Compulsory*, as to all employments exercised for gain, the gross income of which was not less than 40,000 pesos. Agriculture, charitable institutions, domestic service, casual employments, and those whose wages are over 42 pesos ($21) per week are excluded.	*Compulsory*, as to all employees in the industrial concerns of the government and in public works, except public officers elected by popular vote or persons earning in excess of 800 pesos a year.	Employer may insure in private companies or provide self-insurance.				Not permitted	Waivers forbidden	Personal injuries from any accident due to and in pursuance of the employment or any illness contracted and directly caused by such employment or resulting from the nature of such employment, except drunkenness, notorious negligence, and voluntary intent, illness included.	7 days	Death, 25 to 60 per cent. Disability, 50 to 60 per cent.	Death: Basic wage, maximum, 30 pesos; minimum, 4 pesos. Total disability: Maximum, 18 pesos; minimum, 4 pesos, or average wage.	Death or disability, 208 weeks.	(a) Expenses of ceeding 100 pes cent of wages not basic wage, max minimum, 4 pe expenses, maxim
Porto Rico. No. 19. Approved Apr. 13, 1916. In effect July 1, 1916. Amended, 1917. New act, No. 10, 1918; in effect July 1, 1918; amended, 1919, 1920, 1921, 1925. New act, No. 85. Approved May 14, 1928. In effect Aug. 12, 1928.	*Compulsory*, as to all employments except domestic service and work of a temporary nature.	*Compulsory*, as to all employees, including public works performed by administration and members of municipal fire corps, except clerks in any department or dependency.	Employers must insure in State fund, in private, or in mutual insurance companies or give proof of financial ability.				Permitted if injury is caused by illegal act or gross negligence of employer. If employer has failed to secure compensation, the employee may claim compensation and also sue for damages.	No provision	Personal injuries by accident occurring in the course of and as a consequence of employment, unless due to attempt to commit a crime, to injure one's self or another, to intoxication, the willful criminal act of another, or solely to recklessness. Designated occupational diseases included.	7 days	Temporary total disability, 50 per cent.	Temporary total disability: Maximum, $15; minimum, $3.	Temporary total disability. 104 weeks.	(a) Compensat[illegible] to earning [illegible] bilities of life [illegible] minimum, $ [illegible] vision.

[1] Not provided for in compensation law.

Compensation benefits						Medical and surgical aid	Nonresident alien dependents	Time for notice and claim	(a) By whom administered (b) How claims are settled	Accident reports required	Accident-prevention work by—(a) Compensation commission. (b) Other agencies	State
Per cent of wages	Maximum and minimum weekly compensation payments	Maximum period	Death (a) Dependents (b) No dependents	Total disability (a) Permanent (b) Temporary	Partial disability							
Death, 15 to 60 per cent. Disability, 50 per cent.	Death: Basic weekly wage, maximum, $30. Disability: Maximum, $12; minimum, $8, or actual wages.	Death, 300 weeks; total disability, 650 weeks; partial disability, no provision.	(a) Burial expenses, maximum, $75; 15 to 60 per cent of wages for 300 weeks; basic wage, maximum, $30. (b) Expenses of burial, maximum, $75, and medical attendance, maximum, $150.	(a) (b) 50 per cent of wages for not over 650 weeks; maximum, $12; minimum, $6, or actual wages.	If permanent, compensation measured by extent of disability. Specified injuries, 50 per cent of wages for fixed periods, in addition to temporary total; maximum, $12; minimum, $6 or actual wages. Disfigurement, maximum $360.	Reasonable medical, surgical, and hospital service *for 10 days*, maximum, $150, unless there is a hospital fund; special operating fee of $75 in case of hernia.	Excluded	Notice in 14 days; if prevented, not later than 60 days. Claim in 60 days after compensation refused; 1 year in case of death.	(a) Courts. (b) By interested parties; disputed cases settled by district court. Appeal to supreme court.	No provision	(a) No provision. (b) Mine inspector.[1]	New Mexico.
Death, 15 to 66⅔ per cent. Disability, 66⅔ per cent.	Death: Maximum basic wage, $180 a month. Disability: Weekly maximum, $25; minimum, $8, or full wages.	Death, during life or until remarriage of widow or dependent widower. Permanent total disability, life. Others, during disability.	(a) Burial expenses, maximum, $200; widow or dependent widower, 30 per cent of wages until death or remarriage; 10 per cent additional for each child; total not over 66⅔ per cent; maximum basic wage, $150 a month. (b) Burial expenses, maximum, $200, and $1,000 to create special funds.	(a) 66⅔ per cent of wages for life; maximum, $25, minimum, $8, or full wages. (b) 66⅔ per cent of wages during disability; maximum, $20; minimum, $8, or full wages; total not over $5,000.	66⅔ per cent of wage loss; total not over $4,000 if temporary. Specified injuries 66⅔ per cent of wages for fixed periods, plus fixed healing time in certain cases; maximum, $20; minimum, $8, or actual wages. Disfigurement, maximum, $3,500.	Such medical, surgical, and hospital service as nature of injury requires. Charges limited to prevailing rates.	Widow, children, and dependent parents only; may be computed at one-half present worth.	Notice of injury in 30 days, death in 30 days unless excused for cause; claim in 1 year. Industrial board may extend this period an additional year.	(a) Industrial commissioner. (b) Claim submitted to employer or commissioner after 7 days after injury; hearing by commissioner or board on request; appeal to court upon questions of law.	All employers must report all accidents which cause loss of time on other than the day or shift of occurrence or which requires treatment beyond first-aid, to industrial commission within 10 days; commissioner may require any information or report.	(a) Department of labor. (b) No provision.	New York.
Death, 30 to 66⅔ per cent. Disability, 66⅔ per cent.	Death: Basic weekly wage; maximum, $30, minimum, $18, but compensation not more than wages. Disability: Weekly maximum, $20, minimum, $6, or actual wages if less than $6.	Death, during life or until remarriage. Disability, during its continuance.	(a) Burial expenses, maximum $150; 35 per cent of weekly wages to widow or dependent widower until death or remarriage; 10 per cent additional for each child, total not over 66⅔ per cent; basic wage, maximum, $30, minimum, $18, no compensation to exceed wages, total maximum, $15,000. (b) Burial expenses, maximum, $150.	(a) 66⅔ per cent of weekly wages during disability; maximum, $30; minimum, $18, or actual wages, maximum, $15,000. (b) 66⅔ per cent of weekly wages during disability; maximum, $20; minimum, $6, or actual wages.	If temporary, 66⅔ per cent of wage loss; maximum, $20. If permanent for fixed periods according to schedule of percentage of disability. Disfigurement compensated.	Such medical, surgical, and hospital service as the nature of the injury requires.	No provision. Included by administration.	Claim in 60 days; 1 year if reasonable cause shown.	(a) Workmen's compensation bureau. (b) Bureau has full power to determine all questions within its jurisdiction; appeal to courts.	All employers must report all accidents to bureau within 1 week.	(a) Workmen's compensation bureau. (b) No provision.	North Dakota.
66⅔ per cent	Maximum, $18.75; minimum, $5, or actual wages.	Death, 416 weeks. Permanent total disability, life. Temporary total disability, 312 weeks. Partial disability, during its continuance.	(a) Burial expenses, maximum, $150; 66⅔ per cent of wages for 8 years; maximum, $18.75; total not over $6,500 nor less than $2,600. (b) Burial expenses, maximum, $150.	(a) 66⅔ per cent of wages for life; maximum, $18.75; minimum, $5, or actual wages. (b) 66⅔ per cent of wages for not over 6 years; maximum, $18.75; minimum, $5, or actual wages; total not over $3,750.	66⅔ per cent of wage loss; maximum, $18.75; total not over $3,750. Specified injuries, 66⅔ per cent of wages for fixed periods in addition to temporary total; maximum, $18.75. Disfigurement, not over $3,750.	Such medical and hospital service as commission deems proper; maximum $200 except in unusual cases.	Included	Claim for injury or death, in 2 years; for occupational disease, 4 months.	(a) Industrial commission. (b) Commission determines all questions within its jurisdiction; appeal to court.	All employers must report all accidents to industrial commission within 1 week.	(a) Industrial commission. (b) No provision.	Ohio.
66⅔ per cent	Maximum, $18. Minimum, $8, or actual wages.	Permanent total disability, 500 weeks. Temporary total and partial disability, 300 weeks.	Fatal accidents not covered	(a) 66⅔ per cent of wages for 500 weeks; maximum, $18; minimum $8, or actual wages. (b) 66⅔ per cent of wages, for not over 300 weeks; maximum, $18; minimum, $8, or actual wages.	66⅔ per cent of wage loss for 500 weeks; maximum, $18; minimum $8, or actual wages. Specified injuries, 66⅔ per cent of wages for fixed periods; maximum, $18; minimum, $8, or actual wages. Disfigurement, maximum, $3,000.	Necessary medical, surgical, and hospital service *for 60 days*; maximum, $100; period and amount may be increased at discretion of commission; charges limited to prevailing rates. Special provision for hernia.	Fatal accidents not covered.	Notice in 30 days; claim in 1 year.	(a) Industrial commission. (b) Voluntary agreement, after 5 days, approved by commission; disputed cases may be submitted to arbitration committee, or commission may act; appeal to courts.	All employers must report all accidents to industrial commission within 10 days or reasonable time; commission may require any information.	(a) No provision. (b) Department of labor,[1] inspectors of mines, oil, and gas.[1]	Oklahoma.
Monthly pension; amounts not based on wages, except for temporary total disability.	Monthly pension. Minimum: death, $15, permanent total disability, $30; no maximum. Temporary total disability, $30 to $97. Permanent partial disability, $25.	Death, during life or until remarriage of widow or invalid widower. Total disability, during its continuance. Temporary partial disability, 104 weeks.	(a) Burial expenses, maximum, $100; widow or invalid widower, $30 a month until death or remarriage; $8 for each child under 16. (b) Burial expenses, maximum, $160.	(a) $30 a month if single, $35 if dependent spouse, $8 for each child, (b) 40 to 66⅔ per cent of wages according to number of dependents, maximum $97; minimum $30, $40 if dependent spouse or full wages, during disability.	If temporary, benefits proportionate to those for total disability for not over 2 years. Specified permanent injuries $25 a month for fixed periods, in addition to temporary total; others in proportion, but not over 90 months.	Medical, surgical and hospital service and transportation; maximum, $250; commission may allow additional service.	Parents, spouse, or child only, unless treaty to contrary.	Claim for disability in 3 months; death, 1 year.	(a) Industrial accident commission. (b) Commission settles all questions; appeal to courts.	All employers must report all accidents to industrial accident commission at once.	(a) Industrial accident commission. (b) Bureau of labor statistics.[1]	Oregon.
Death, 15 to 65 per cent. Disability, 65 per cent.	Death: Basic wage, maximum, $24; minimum, $12. Disability: Maximum, $15; minimum, $7, or actual wages.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.	(a) Expenses of burial, maximum, $100; $15 to 65 per cent of wages for 300 weeks; basic wage, maximum, $24; minimum, $12. (b) Expenses of burial, maximum, $150.	(a) (b) 65 per cent of wages for not over 500 weeks; maximum, $15; minimum, $7, or actual wages; total not over $6,500.	65 per cent of wage loss for not over 300 weeks; maximum, $15. Specified injuries, 65 per cent of wages for fixed periods in lieu of other payments; maximum, $15; minimum, $7, or actual wages. Disfigurement, 65 per cent of wages, not over 150 weeks.	Reasonable medical, surgical, and hospital service *for 30 days*; maximum, $100, except in hospital cases. Charges limited to prevailing rates.	Two-thirds benefits; to widows and children only.	Notice in 14 days; claim in 1 year.	(a) Workmen's compensation board. (b) Voluntary agreement, after 10 days, approved by board; disputed cases settled by referee, appeal to board; cases involving agreed facts settled by board direct; appeal to court upon questions of law.	All subscribers to State fund must report all accidents to workmen's insurance board within 7 days; commissioner of insurance may require insurers to file annual statement of loss experience. All employers (except casual employments) must report all accidents of 2 days' disability to department of labor and industry within 30 days.[1]	(a) Workmen's insurance board as to subscribers to State fund. (b) Department of labor and industry;[1] department of mines.[1]	Pennsylvania.
Death, 25 to 60 per cent. Disability, 50 to 90 per cent.	Death: Basic wage, maximum, 30 pesos; minimum, 4 pesos. Total disability: Maximum, 18 pesos; minimum, 4 pesos, or average wage.	Death or disability, 208 weeks.	(a) Expenses of burial, not exceeding 100 pesos; 25 to 60 per cent of wages not over 208 weeks; basic wage, maximum, 30 pesos; minimum, 4 pesos. (b) Burial expenses, maximum, 100 pesos.	(a) (b) 60 per cent of average weekly wages, but not over 208 weeks; maximum, 18 pesos; minimum, 4 pesos, or average wage; total maximum, 3,600 pesos.	50 per cent of loss of earning capacity from the day of disability, maximum, 10 pesos per week; 50 per cent of earnings for scheduled period, not to exceed 208 weeks; total maximum, 3,000 pesos; serious disfigurement compensated.	Such medical, surgical, and hospital services and supplies as the nature of the injury may require.	Excluded	Notice as soon as possible; claim within 2 months; death claim within 3 months.	(a) Bureau of labor. (b) Voluntary agreement. At request of interested parties, bureau shall act as referee. If this fails bureau shall submit claim to proper courts. Parties may go directly into courts.	All employers shall report all injuries resulting in absence from work for 1 day or more to Bureau of Labor as soon as possible.	(a) No provision. (b) Bureau of labor.[1]	Philippines.
Temporary total disability, 50 per cent.	Temporary total disability. Maximum, $15; minimum, $3.	Temporary total disability, 104 weeks.	(a) Compensation proportioned to earning capacity and probabilities of life; maximum, $5,000; minimum, $1,000. (b) No provision.	(a) Compensation proportioned to age and rate of wages; maximum, $4,000; minimum, $1,000. (b) 50 per cent of wages during disability, for not over 104 weeks; maximum, $15; minimum, $3.	If permanent, compensation proportioned to degree of disability and rate of wages in addition to temporary total; maximum $2,000.	Necessary medical attendance and sustenance as prescribed by commission, including hospital service.	No provision	No provision	(a) Industrial commission. (b) Voluntary agreement subject to approval of commission; appeal to court to review decision or in case of unjustifiable delay.	All employers must report all accidents to commission within 5 days.	(a) Industrial commission. (b) Department of agriculture and labor.[1]	Porto Rico.

State	Employments covered		Insurance	How election is made		Defenses abrogated if employer does not elect	Suits for damages after election by both employer and employee	Special contracts	Injuries covered	Waiting time	Com			
	Private	Public		By employer	By employee						Per cent of wages	Maximum and minimum weekly compensation payments	Maximum period	
Rhode Island. Ch. 831. Approved Apr. 29, 1912. In effect Oct. 1, 1912. Amended 1913, 1915, 1917, 1919, 1920, 1921, 1926, 1927, 1928.	*Elective*, as to all employments except those having less than 6 employees, farm labor, domestic service, casual employments not in usual course of employer's business, and employees receiving over $3,000 a year. *Voluntary*, as to excepted employments.	*Compulsory*, as to employees of State. *Elective*, as to employees of cities and towns, except fire and police departments.	Electing employers must insure in private companies or provide self-insurance.	Writing filed with commissioner of labor.	Presumed in absence of written notice to employer, copy to be filed with commissioner of labor.	Assumed risk, fellow service, and contributory negligence.	Permitted if employer fails to insure risk.	Approved schemes permitted if benefits equal those of act; waivers forbidden.	Personal injuries by accident arising out of and in course of employment, unless due to willful intent to injure self or another, or intoxication.	1 week. None if disability continues for more than 4 weeks.	50 per cent	Total disability: Maximum, $16; minimum, $7. Partial disability: Maximum, $10; minimum, $4. Death: Maximum, $14; minimum, $6.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.	(a) 50 week mum sickn $200.
South Dakota. Ch. 376. Approved Mar. 10, 1917. In effect June 1, 1917. Amended, each session.	*Elective*, as to all employments except farm and domestic service and employees not in usual course of employer's business. *Compulsory*, as to threshing grain. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees.	Electing employers must insure in private companies or provide self-insurance.	Presumed in absence of written notice to employees and filed with commissioner.	Presumed in absence of written notice to employer and filed with commissioner.	Assumed risk, fellow service, and contributory negligence.	Probably permitted if employer fails to insure risk.	Approved substitute schemes permitted; waivers forbidden.	Personal injuries by accident arising out of and in course of employment, unless due to willful misconduct, intoxication, failure to use safeguards, violation of law, or intentionally self-inflicted.	None (administrative construction of conflicting provisions).	Total disability, 55 per cent. Partial disability, 50 per cent.	Permanent total disability: Maximum, $15; minimum, $7.50. Other disability: Maximum, $15; minimum, $7.50, or actual wages.	Total disability, during its continuance. Partial disability, 312 weeks.	(a) 50 four maxi $1,62 maxi
Tennessee. Ch. 123. Approved Apr. 15, 1919. In effect July 1, 1919. Amended, 1923, 1927.	*Elective*, as to all employments except those employing less than 5 employees, farm labor, domestic service, and casual employees (not in usual course of employer's business). *Voluntary*, as to employments having less than 5 employees.	*Voluntary*, as to State and subdivisions.	Electing employers must insure in private companies or provide self-insurance; State fund for coal mining.	Presumed in absence of notice posted in establishment and filed with department of labor.	Presumed in absence of notice to employer and department of labor.	Assumed risk, fellow service, and contributory negligence.	Permitted if employer fails to insure risk.	Waivers forbidden	Personal injuries by accident arising out of and in course of employment, unless due to willful misconduct, intentional self-inflicted injury, intoxication, or willful failure to use safety appliances or perform statutory duties.	1 week. None if disability continues for 6 weeks or more.	Death, 20 to 50 per cent. Disability, 50 cent.	Maximum, $16; minimum, $5, or actual wages.	Death, 400 weeks. Permanent total disability, 550 weeks. Others, 300 weeks.	(a) Bu $100; for in mum actua pense
Texas. Ch. 179. Approved Apr. 16, 1913. In effect Sept. 1, 1913. Amended, 1917, 1921, 1923, 1927.	*Elective*, as to all employments except those having less than 3 employees, farm and ranch labor, domestic service, railways used as common carriers, and employees not in usual course of employer's business. *Compulsory* as to motor bus companies.	No provision	Electing employers must insure in Texas Employers' Insurance Association or other private companies.	By subscribing to State association or insuring in other company and notifying employees and industrial accident board.	Presumed in absence of written notice to employer.	Assumed risk, fellow service, and contributory negligence, unless willful or due to intoxication.	Permitted if employer's willful or gross negligence causes death; damage, in addition to compensation, if part of insurance premium is charged against employees.	Waivers forbidden	Personal injuries sustained in course of employment unless due to willful intent to injure self or another, intoxication, act of God, or caused by act of third party for personal reasons.	1 week. None if disability continues for 4 weeks or more.	60 per cent	Maximum, $20; minimum, $7.	Death, 360 weeks. Total disability, 401 weeks. Partial disability, 300 weeks.	(a) 60 week mum sickn of $16
Utah. Ch. 100. Approved Mar. 15, 1917. In effect July 1, 1917. Amended, each session.	*Compulsory*, as to all employments except those having less than 3 employees, farm labor, domestic service, casual employees not in usual course of employer's business. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees, including elective officials.	Employers must insure in State fund or private companies or provide self-insurance.				Permitted if employer fails to insure risk, or if injury is due to employer's willful misconduct.	Approved substitute schemes permitted if benefits equal those of act; waivers forbidden.	Personal injuries by accident arising out of or in course of employment, except those purposely self-inflicted.	3 days	60 per cent	Death: Maximum, $16. Disability: maximum, $16; minimum, $7, or actual wages.	Permanent total disability, life. Others, 312 weeks; may be extended from special fund, in case of total dependents.	(a) Bu $150; years over (b) B $150; benef total
Vermont. Ch. 164. Approved Apr. 1, 1915. In effect July 1, 1915. Amended each session.	*Elective*, as to all employments for gain, except those having less than 11 employees, domestic service, casual employees, those not in usual course of employer's business or receiving over $2,000 a year. *Voluntary*, as to other employments.	*Compulsory* as to State department of highways other than office employees and *elective*, as to all employees of towns and certain districts except officials elected or receiving more than $2,000 a year.	Electing employers must insure in private companies or provide self-insurance.	Presumed in absence of written agreement or notice to employees and board; municipalities vote.	Presumed in absence of written agreement or notice to employer and board.	Assumed risk, fellow service, and contributory negligence.	Not permitted	Waivers forbidden	Personal injuries by accident arising out of and in course of employment, unless due to willful intention to injure self or another, intoxication, or failure to use safety devices.	1 week	Death, 15 to 45 per cent. Disability, 50 per cent.	Death: Minimum basic wage, $8. Total disability: Maximum, $15, minimum, $6, or actual wages if less. Partial disability: Maximum, $10.	260 weeks	(a) Bu $100; for 2 wage (b) B $100.
Virginia. Ch. 400. Became law over governor's veto Mar. 21, 1918. In effect Jan. 1, 1919. Amended each session.	*Elective*, as to all employments except those employing less than 11 employees, farm labor, domestic service, steam railroads, casual employees, or those not in usual course of employer's business. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees except administrative officers and employees elected or appointed for definite terms.	Electing employers must insure in private companies or provide self-insurance.	Presumed in absence of written or printed notice to employees and commission.	Presumed in absence of written notice to employer and commission.	Assumed risk, fellow service, and contributory negligence.	Not permitted	Approved schemes permitted. Waivers forbidden.	Personal injuries by accident arising out of and in course of employment, unless due to willful misconduct, intent to injure self or another, intoxication, or willful failure to use safety appliances or obey safety rules.	10 days. None if disability continues more than 6 weeks.	50 per cent	Maximum, $12, minimum, $6.	Death, 300 weeks. Total disability, 300 weeks. Partial disability, 300 weeks.	(a) Bu $100; weeks mum (b) B $150.
Washington. Ch. 74. Approved Mar. 14, 1911. In effect Oct. 1, 1911. Amended each session.	*Compulsory*, as to "extrahazardous" employments, including enumerated list. *Voluntary*, as to employments not "extrahazardous."	*Compulsory*, as to all employees in "extrahazardous" work in which workmen are employed for wages, and salaried peace officers. *Voluntary*, as to employments not "extrahazardous."	Employers must insure in State fund.				Suit for excess damages permitted, in addition to compensation, if injury resulted from deliberate intention of employer. Suits permitted if injury sustained while employer was in default of premiums.	Waivers forbidden; hospital fund may be maintained.	Personal injuries resulting from a sudden and tangible happening of a traumatic nature, producing a prompt result and occurring from without, unless deliberately self-inflicted or sustained in the commission of a crime.	3 days	Monthly pension; amounts not based on wages.	Monthly pension: Death, $20, permanent total disability, minimum $35; no fixed maximum.	Death, during life or until remarriage of widow or invalid widower. Total disability, during its continuance.	(a) Bu $100; a mo widow risge; for ne other tional pens
West Virginia. Ch. 10. Approved Feb. 22, 1913. In effect Oct. 1, 1913. Amended 1915, 1919, 1925, 1925.	*Elective*, as to all "regular" employments except farm labor, domestic service, and officers of corporations. *Voluntary*, as to employees not regularly employed.	*Elective*, as to all employees except elective officials.	Electing employers must insure in State fund or provide self-insurance.	By paying premiums and posting notice.	Remaining in service with notice of employer's election.	Assumed risk, fellow service, contributory negligence, and negligence of persons "whose duties are prescribed by statute."	Suit for excess damages permitted, in addition to compensation if injury is due to employer's intent to injure; also permitted if employer is in default on premiums.	Benefit funds permitted provided employees do not contribute and benefits equal those of act. Waivers forbidden.	Personal injuries sustained in course of and resulting from employment, unless self-inflicted or due to willful misconduct, disobedience to rules, intoxication, or failure to use safety appliances.	1 week	Death, monthly pension. Disability, 66⅔ per cent.	Disability: Maximum, $16, minimum, $8.	Death, during life or until remarriage of widow or invalid widower. Permanent total disability, life. Temporary total disability, 78 weeks. Permanent partial disability, 340 weeks.	(a) Bu $150; $30 a marri child pense

[1] Not provided for in compensation law.

	Compensation benefits											
t of wages	Maximum and minimum weekly compensation payments	Maximum period	Death (a) Dependents (b) No dependents	Total disability (a) Permanent (b) Temporary	Partial disability	Medical and surgical aid	Nonresident alien dependents	Time for notice and claim	(a) By whom administered (b) How claims are settled	Accident reports required	Accident-prevention work by—(a) Compensation commission. (b) Other agencies	State
st	Total disability: Maximum, $16; minimum, $7. Partial disability: Maximum, $10; minimum, $4. Death: Maximum, $14; minimum, $8.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.	(a) 50 per cent of wages for 300 weeks; maximum, $14; minimum, $6. Expenses of last sickness and burial, maximum, $200.	(a) (b) 50 per cent of wages for not over 500 weeks; maximum, $16; minimum, $7; total not over $5,000.	50 per cent of wage loss for not over 300 weeks; maximum, $10. Specified injuries, 50 per cent of wages for fixed periods in addition to all other compensation; maximum, $10; minimum, $4.	Reasonable medical and hospital service *for 6 weeks;* maximum, $150, or $200, including burial, in fatal cases involving no dependents.	No provision	Notice in 30 days; claim in 1 year.	(a) Commissioner of labor. (b) Voluntary agreement approved by commissioner of labor; disputed cases settled by commissioner of labor, but case may be heard *de novo* in superior court; appeal to supreme court upon questions of law or equity.	All assenting employers (except public utilities) must report all injuries of 1 week's disability to bureau of labor within 2 weeks, fatal within 48 hours.	(a) No commission. (b) Factory inspector.[1]	Rhode Island.
sability, 55 ct. Partial ty. 50 per	Permanent total disability: Maximum $15; minimum, $7.50. Other disability: Maximum, $15; minimum, $7.50, or actual wages.	Total disability, during its continuance. Partial disability, 312 weeks.	(a) 50 per cent of wages to equal four times annual earnings; maximum, $3,000; minimum, $1,250. (b) Burial expenses; maximum, $150.	(a) 55 per cent of wages during disability; maximum, $15, minimum, $7.50, total not more than death benefits. (b) 55 per cent of wages for not over 6 years; weekly maximum, $15; minimum, $7.50, or actual wages.	50 per cent of wage loss for not over 6 years; maximum, $15. Specified injuries, 55 per cent of wages for fixed periods in addition to temporary total; maximum, $15; minimum, $7.50, or actual wages. Disfigurement, maximum, one-fourth death benefits.	Necessary medical, surgical, and hospital service *for 12 weeks;* maximum, $200.	Excluded	Notice in 30 days unless excused for cause; claim in 1 year.	(a) Industrial commissioner. (b) Voluntary agreement approved by commissioner; disputed cases settled by arbitration committee; review by commissioner; appeal to court upon questions of law.	All assenting employers must report all accidents to industrial commissioner within 48 hours; supplementary report after 60 days, or upon termination of disability.	(a) No provision. (b) Inspector of mines.[1]	South Dakota.
0 to 50 per isability, 50	Maximum, $16; minimum, $3, or actual wages.	Death, 400 weeks. Permanent total disability, 450 weeks. Others, 300 weeks.	(a) Burial expenses, minimum, $100; 20 to 50 per cent of wages for not over 400 weeks; maximum, $16; minimum, $5, or actual wages. (b) Burial expenses, maximum, $100.	(a) 50 per cent of wages for 400 weeks; maximum, $16; minimum, $5, or actual wages; not over $5 thereafter for 150 weeks; total not over $5,000. (b) 50 per cent of wages for not over 300 weeks; maximum, $16; minimum, $5, or actual wages.	50 per cent of wage loss for not over 300 weeks; maximum, $16; minimum, $5, or actual wages; not over $5 thereafter for 150 weeks; total not over $5,000. Specified injuries, 50 per cent of wages for fixed periods; others proportionate; maximum, $12; minimum, $5, or actual wages.	Reasonable medical, surgical, and hospital service *for 30 days,* longer at option of employer; maximum, $100; charges limited to prevailing rates.	Included	Notice as soon as practicable; barred after 30 days, unless cause shown; claim in 1 year.	(a) Courts. Department of labor supervises. (b) Voluntary agreements approved by court; disputed cases settled by courts.	All employers subject to act	(a) No provision. (b) Department of labor.[1]	Tennessee.
t	Maximum, $20; minimum, $7.	Death, 360 weeks. Total disability, 401 weeks. Partial disability, 300 weeks.	(a) 60 per cent of wages for 360 weeks; maximum, $20; minimum, $7. (b) Expenses of last sickness, and funeral benefit of $100.	(a) (b) 60 per cent of wages during disability, for not over 401 weeks; maximum, $20; minimum, $7.	60 per cent of wage loss for not over 300 weeks (401 weeks if partial follows total disability); maximum, $20. Specified injuries, 60 per cent of wages for fixed periods, in lieu of all other compensation; proportionate for others, including disfigurement; maximum, $20; minimum, $7.	Reasonable medical and hospital service *for 4 weeks.* Two weeks additional in cases requiring hospital confinement. Charges limited to prevailing rates.	Included	Notice in 30 days; claim in 6 months.	(a) Industrial accident board. (b) Voluntary agreement or by board; appeal to court.	All employers must report all accidents of more than 1 day's disability to board within 8 days; supplementary report after 6 days, or upon termination of disability.	(a) No provision. (b) Bureau of labor statistics;[1] mine inspector,[1] Texas Employers' Insurance Association.	Texas.
st	Death: Maximum, $16. Disability: maximum, $16; minimum, $7, or actual wages.	Permanent total disability, life. Others, 312 weeks; may be extended from special fund, in case of total dependents.	(a) Burial expenses, maximum, $150; 60 per cent of wages for 6 years; maximum, $16; total not over $5,000 nor less than $2,000. (b) Burial expenses, maximum, $150; and 20 per cent of a death benefit to a second injury and total dependents' fund.	(a) 60 per cent of wages for 5 years; thereafter, 45 per cent for life; weekly maximum, $16; minimum, $7. (b) 60 per cent of wages for not over 6 years; maximum, $16; minimum, $7, or actual wages; total not over $5,000.	60 per cent of wage loss for not over 6 years; maximum, $16; total not over $5,000. Specified injuries, 60 per cent of wages for fixed periods, in addition to temporary total; maximum, $16. Disfigurement or loss of bodily function; maximum, 200 weeks.	Reasonable medical and hospital service; maximum, $500; more if found necessary; hospital benefit fund permitted in lieu of above.	One-half benefits except to residents of Canada.	Notice in 48 hours, or penalty; barred after 1 year; death claims barred after 1 year.	(a) Industrial commission. (b) Commission has full power to determine all questions relating to compensation, limited appeal to court.	All employers must report all accidents to commission within 1 week.	(a) Industrial commission. (b) No provision.	Utah.
5 to 45 per isability, 50	Death: Minimum basic wage, $8. Total disability: Maximum, $15, minimum, $6, or actual wages if less. Partial disability: Maximum, $10.	260 weeks	(a) Burial expenses, maximum, $100; 15 to 45 per cent of wages for 260 weeks; minimum basic wage, $5; total not over $3,500. (b) Burial expenses, maximum, $100.	(a) (b) 50 per cent of wages for 260 weeks; maximum, $15; minimum $6, or actual wages if less than $5; total not over $4,000.	50 per cent of wage loss for not over 260 weeks; maximum, $10. Specified injuries, 50 per cent of wages for fixed periods, in addition to temporary total; others proportionate; maximum, $15, minimum, $6, or full wages if less. Compensation for disfigurement.	Reasonable medical and surgical service *for 14 days,* maximum, $50. Hospital services for first 30 days, maximum, $150. Charges limited to prevailing rates.	No provision	Notice as soon as practicable; claim in 6 months.	(a) Commissioner of industries. (b) Voluntary agreement approved by commissioner; disputed cases settled by commissioner; appeal to courts.	All assenting employers must report all injuries of 1 day's disability or requiring medical attendance to commissioner within 72 hours; supplementary report after each 60 days or termination of disability.	(a) Commissioner of industries. (b) No provision.	Vermont.
t	Maximum, $12, minimum, $6.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.	(a) Burial expenses, maximum, $100; 50 per cent of wages for 300 weeks; maximum, $12, minimum, $6; total not over $4,500. (b) Burial expenses, maximum, $150.	(a) (b) 50 per cent of wages for not over 500 weeks; maximum, $12, minimum, $6; total not over $4,500.	50 per cent of wage loss for not over 300 weeks; maximum, $12. Specified injuries, 50 per cent of wages for fixed periods; maximum, $12, minimum, $6. Disfigurement, not over 60 weeks.	Necessary medical, surgical, and hospital service *for 60 days,* longer at option of employers, employee must accept unless otherwise ordered by commission; charges limited to prevailing rates.	$1,000 maximum except to residents of Canada.	Notice in 30 days; claim in 1 year.	(a) Industrial commission. (b) Voluntary agreement after 10 days approved by commission; disputed cases settled by commission or member thereof; review by full commission; appeal to courts.	All employers must report all injuries to commission within 10 days; supplementary report after 60 days or upon termination of disability.	(a) No provision. (b) Bureau of labor and industrial statistics.[1]	Virginia.
y pension: s not based es.	Monthly pension: Death, $20, permanent total disability, minimum $35; no fixed maximum.	Death, during life or until remarriage of widow or invalid widower. Total disability, during its continuance.	(a) Burial expenses, maximum, $100; if single, $150 if married; $35 a month to widow or invalid widower until death or remarriage; and $12.50 for 1 child, $7.50 for next youngest, and $5 to each other child under 16; $250 additional to widow. (b) Burial expenses, maximum, $100.	(a) (b) $35 a month if single, $40 if wife or invalid husband, and $12.50 for 1 child, $7.50 for next youngest, and $5 for each other child under 16. If temporary, above schedule increased for first 6 months in certain cases.	Proportionate amounts based upon loss of earning capacity; maximum, $3,000. Fixed sums for certain specified injuries.	Necessary medical, surgical, and hospital service and transportation. Employees bear one-half cost.	One-half benefits; to parents only, unless treaty to contrary; nothing if law of nation excludes citizens of United States. Nothing to dependent residing in country with which United States does not maintain diplomatic relations.	Claim in 1 year	(a) Division of industrial insurance. (b) All questions relating to compensation determined by division; rehearing before joint board, appeal to courts.	All employers must report all accidents to division of industrial insurance at once.	(a) No provision; (b) Division of safety;[1] State mining board.[1]	Washington.
onthly pen- Disability, r cent.	Disability: Maximum, $16, minimum, $8.	Death, during life or until remarriage of widow or invalid widower. Permanent total disability, life. Temporary total disability, 78 weeks. Permanent partial disability, 240 weeks.	(a) Burial expenses, maximum, $150; widow or invalid widower, $30 a month until death or remarriage; $5 additional for each child under 16. (b) Burial expenses, maximum, $150.	(a) 66⅔ per cent of wages for life; weekly maximum, $16, minimum, $8. (b) 66⅔ per cent of wages for not over 52 weeks (78 weeks in special cases); maximum, $16, minimum, $8.	If permanent, 66⅔ per cent of wages for fixed periods; for life if over 85 per cent of disability; weekly maximum, $16, minimum, $8.	Reasonable medical, surgical, and hospital treatment; maximum, $800; in permanent disability cases where disability can be materially reduced, special treatment up to $600.	Widow, invalid widower, and children only.	Claim in 6 months; proof of dependency in 9 months.	(a) Compensation commissioner. (b) Commissioner has full power to determine all questions relating to compensation; appeal to courts.	All employers must report any information required by compensation commissioner for purpose of act upon request.	(a) Commissioner may require employees to adopt and post safety rules. (b) Bureau of Labor;[1] Department of mines.[1]	West Virginia.

PRINCIPAL FEATURES OF LAWS OF THE UNITED STATES RELATIVE TO WORKMEN'S COM

State	Employments covered		Insurance	How election is made		Defenses abrogated if employer does not elect	Suits for damages after election by both employer and employee	Special contracts	Injuries covered	Waiting time	Compens			
	Private	Public		By employer	By employee						Per cent of wages	Maximum and minimum weekly compensation payments	Maximum period	(a) (b)
Wisconsin. Ch. 50. Approved May 3, 1911. In effect same date. Amended each session.	*Elective*, as to all employments except those having less than 3 employees,[4] farm labor, and employees not in usual course of employer's business. *Voluntary* (joint election), as to steam railroads.	*Compulsory*, as to all employees except officials.	Electing employers must insure in private companies or provide self-insurance.	Presumed as to employers of 3 or more persons in absence of notice filed with commission.	Presumed in absence of written notice to employer, if employer elects.	Assumed risk, fellow service, and contributory negligence unless willful.	Not permitted	Insurance or other schemes may provide added benefits. Waivers forbidden.	Personal injuries growing out of and incidental to employment, unless intentionally self-inflicted. Occupational diseases included.	1 week. None if disability continues for more than 3 weeks.	65 per cent	Maximum, $19.50, minimum, $6.83.	Permanent total disability, 1,000 weeks.	(a) Burial $200; 65 equal 4 p to excee benefit; n ings, $1. (b) Buria $200, and mum, $1, ency fun
Wyoming. Ch. 124. Approved Feb. 27, 1915. In effect Apr. 1, 1915. Amended 1917, 1919, 1923, 1927.	*Compulsory*, as to "extrahazardous" employments enumerated conducted for gain, except casual employees not in usual course of employer's business, clerical employees not subject to hazard of employment, and officials.	*Compulsory*, as to all employees in "extrahazardous" work in which workmen are employed for wages unless otherwise provided for.	Employers must insure in State fund.				Permitted if employer does not contribute to State fund.[4]	Waivers forbidden. No reduction of liability allowed.	Injuries sustained as a result of employment, unless due to culpable negligence of employee or willful act of a third party.	7 days. None if disability continues for more than 21 days.	Amounts not based on wages.	Temporary total disability: Monthly pension, $30 to $90. Fixed lump sums in other cases.	No provision.	(a) Burial $150, sum per mont each boy 18; total m ial expen
United States. Civil employees. 33 Stat. 556. Approved May 30, 1908. In effect Aug. 1, 1908. Amended 1911-12. New act, No. 267, approved Sept. 7, 1916. In effect same date. Amended 1919, 1922, 1924, 1926, 1927.	*Compulsory*, as to all employees of Panama Railroad.	*Compulsory*, as to all civil employees of the United States and of the Government of the District of Columbia, except police and firemen having pension funds.					Government can not be sued.	No provision	Personal injuries sustained while in performance of duty unless due to willful misconduct, intention to injure self or another, or intoxication, including any disease proximately caused by the employment.	3 days. Compensation begins on fourth day after disability or exhaustion of sick and annual leave.	Death, 10 to 66⅔ per cent. Disability 66⅔ per cent.	Death: Basic wage, monthly maximum, $175; minimum, $87.50. Total disability: Monthly maximum, $116.66, minimum, $58.33 or actual wages if less than $58.33. Partial disability: Monthly maximum, $116.66.	Death, during life or until remarriage of widow or widower; other dependents, 416 weeks. Disability, during its continuance.	(a) Burial $200 and cent of w pendent remarria each chi 66⅔ per pendents not over maximun mum, $8 maximun tion.
United States. Longshoremen. 44 Stat. 1424. Approved Mar. 4, 1927. In effect July 1, 1927. Amended 1928, 45 Stat. 490.	*Compulsory*. Any employer whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States, except members of crews, certain workmen on small vessels, and employees of United States, State, or foreign government.		Employers must insure in approved company or give proof of financial ability to pay.				Permitted on failure to secure compensation.	Waivers forbidden	Accidental injury arising out of and in the course of employment unless due to willful acts and intoxication. Also occupational diseases.	1 week. None if disability continues for more than 7 weeks.	Death, 15 to 66⅔ per cent. Disability 66⅔ per cent.	Death: Basic wage, maximum, $37.50; minimum, $12. Disability: Weekly maximum, $25; minimum, $8 or actual wages.	Death, during life or remarriage. Permanent total disability for life. Other injuries during disability but limited to $7,500.	(a) Burial $200, wid over 55 p death or additiona not over 6 basic wa $12. (b) mum, $2 fund.

[1] Not provided for in compensation law.

[4] But employ

NITED STATES RELATIVE TO WORKMEN'S COMPENSATION AND INSURANCE—Continued

Compensation benefits						Medical and surgical aid	Nonresident alien dependents	Time for notice and claim	(a) By whom administered (b) How claims are settled	Accident reports required	Accident-prevention work by—(a) Compensation commission. (b) Other agencies	State
er cent of wages	Maximum and minimum weekly compensation payments	Maximum period	Death (a) Dependents (b) No dependents	Total disability (a) Permanent (b) Temporary	Partial disability							
er cent.	Maximum, $19.50, minimum, $6.83.	Permanent total disability, 1,000 weeks.	(a) Burial expenses, maximum, $200; 65 per cent of wages to equal 4 years' earnings, but not to exceed a total disability benefit; maximum annual earnings, $1,500, minimum, $525. (b) Burial expenses, maximum, $200, and 4 years' earnings, maximum, $1,600, to special dependency fund.	(a) 65 per cent of wages for 280 to 1,000 weeks, depending on age of employee. Maximum, $19.50, minimum, $6.83. (b) 65 per cent of wages during disability; maximum, 4 years' earnings. Maximum annual earnings, $1,500, minimum, $525.	Specified major injuries, fixed percentages of total disability, specified lesser injuries, 65 per cent of wages for fixed periods, subject to extension; others proportionate, based on 80 per cent of schedule. All in addition to temporary total. Disfigurement, not to exceed one year's earnings. On loss of a major member, $75 must be paid into second injury fund.	Reasonable medical, surgical, and hospital treatment *for 60 days*; longer if disability period can be decreased; also necessary artificial members. Christian Science treatment permitted unless employer refuses by filing written notice.	Included	Notice in 30 days; claim in 2 years.	(a) Industrial commission. (b) Voluntary agreement approved by commission; disputed cases settled by commission; appeal to courts.	All employers of 3 or more persons and every employer subject to workmen's compensation act shall keep record and send reports to commission as it may by general order require.	(a) Industrial commission. (b) No provision.	Wisconsin.
ocess not based e wages.	Temporary total disability: Monthly pension, $30 to $90. Fixed lump sums in other cases.	No provision.	(a) Burial expenses, maximum, $150, sum of $2,000 payable $45 per month, also $120 a year for each boy under 16, or girl under 18; total not over $3,600. (b) Burial expenses, maximum, $150.	(a) Sum of $4,000 payable $30 a month if married plus $120 a year for each boy under 16 or girl under 18; total not over $8,000. (b) $30 a month if single, $60 if married; $7.50 a month for each boy under 16 and girl under 18; maximum, $90; total not over $8,000.	Fixed lump sums for specified injuries, in addition to temporary total; others in proportion; but payable $30 a month if unmarried, $60 if married; maximum, $1,500.	In nonfatal cases, medical and hospital service; maximum, $300, unless there is a hospital fund.	One-third benefits; to parents, widow, and children only.	Claim in 3 months, but if notice was given within 20 days, claim may be made within 9 months.	(a) Courts; fund supervised by State treasurer. (b) Claims and disputed cases settled by district courts of county; appeal to supreme court.	All employers engaged in extra-hazardous employments must report all accidents to district court within 20 days.	(a) No commission. (b) Inspector of mines.[1]	Wyoming.
th. 10 to 66⅔ per nt. Disability ⅔ per cent.	Death: Basic wage, monthly maximum, $175; minimum, $87.50. Total disability: Monthly maximum, $116.66, minimum, $58.33 or actual wages if less than $58.33. Partial disability: Monthly maximum, $116.66.	Death, during life or until remarriage of widow or widower; other dependents, 416 weeks. Disability, during its continuance.	(a) Burial expenses, maximum, $200 and transportation; 35 per cent of wages to widow or dependent widower until death or remarriage and 10 per cent for each child under 18, not over 66⅔ per cent in all; other dependents, 10 to 40 per cent for not over 8 years; basic wage, maximum, $100 a month; minimum, $50. (b) Burial expenses, maximum, $200 and transportation.	(a) (b) 66⅔ per cent of wages during disability; monthly maximum, $116.66; minimum, $58.33, or actual wages if less than $58.33.	66⅔ per cent of wage loss during disability; monthly maximum, $116.66.	Reasonable medical, surgical, and hospital service, and transportation if necessary, *for a reasonable period* unless employee refuses.	Included	Notice in 48 hours, 1 year for reasonable cause; claim for disability in 60 days, 1 year for reasonable cause; death, 1 year.	(a) United States Employees' Compensation Commission. (b) Commission decides all questions arising under act.	Immediate superiors must report such information as required by commission immediately; supplementary reports as required by commission.	(a) No provision. (b) Bureau of Mines;[1] Bureau of Standards;[1] Interstate Commerce Commission.[1]	United States. Civil employees.
th. 15 to 66⅔ per nt. Disability ⅔ per cent.	Death: Basic wage, maximum, $37.50; minimum, $12. Disability: Weekly maximum, $25; minimum, $8 or actual wages.	Death, during life or remarriage. Permanent total disability for life. Other injuries during disability but limited to $7,500.	(a) Burial expenses, maximum, $200, widow or dependent widower 35 per cent of wages until death or remarriage; 10 per cent additional for each child. Total not over 66⅔ per cent, maximum basic wage $37.50; minimum, $12. (b) Burial expenses, maximum, $200 and $1,000 to special fund.	(a) (b) 66⅔ per cent of wages during disability, maximum, $25, minimum, $8 or full wages. Total not over $7,500.	66⅔ per cent of wage loss during disability, maximum, $7,500. Specified injuries, 66⅔ per cent of wages for fixed periods, plus fixed periods, plus fixed healing time, in certain cases. Maximum, $25, minimum, $8 or actual wages. Disfigurement compensated.	Such medical, surgical, and hospital service as nature of injury requires. Charges limited to prevailing rates.	Widow, children, and dependent parents only. May be commuted at one-half present worth.	Notice of injury in 30 days, death in 30 days unless excused for cause, claim in one year.	(a) United States Employees' Compensation Commission. (b) Claim submitted to compensation commissioner after the first 7 days following injury; hearing by commissioner or board on request; appeal to court upon questions of law.	All employers must report all accidents to industrial commission within 10 days; commissioner may require any information.	(a) United States Employees' Compensation Commission. (b) No provision.	United States. Longshoremen.

[1] But employers having less than 3 employees lose defense of assumed risk if they do not elect.

PART V

TEXT OF WORKMEN'S COMPENSATION LEGISLATION OF THE UNITED STATES, 1927 AND 1928

[The text of the laws has been punctuated in accordance with the rules for punctuation laid down by the Government Printing Office for Government publications, and does not follow, in all cases, the official State editions.]

TEXT OF THE LAWS

ALASKA

[The compensation law of Alaska was reenacted, with several changes, by chapter 77, Acts of 1927. The law is reproduced in its entirety, except for several sections pertaining to forms and procedure which have been abridged.]

ACTS OF 1927

CHAPTER 77.—*Compensation of employees for injuries*

SECTION 1. *Scope; benefits.*—Any person, or persons, partnership, joint-stock company, association, or corporation employing five or more employees in connection with any business, occupation, work, employment, or industry carried on in this Territory, except domestic service, agriculture, dairying, or the operation of railroads as common carriers who shall not have given notice of his, her, their, or its election to reject the provisions of this act in the manner hereinafter provided, or who, having given such notice, shall, prior to the time that an employee is injured, as hereinafter referred to, have waived the same in the manner hereinafter provided, shall be liable to pay compensation, in accordance with the schedule herein adopted, to each of his, her, their, or its employees who receives a personal injury by accident arising out of and in the course of his or her employment, or to the beneficiaries named herein, as the same are hereinafter designated and defined in all cases where the employee shall be so injured and such injuries shall result in his or her death: *Provided*, The employee so injured had not, prior to the time of being so injured, given notice of his or her election to reject the provisions of this act in the manner hereinafter provided, or, having given such notice, had, prior to such time, waived the same in the manner hereinafter provided.

The compensation to which such employee so injured, or, in case of his or her death, if death results from such injury, such beneficiaries, shall be entitled, and for which such employer shall be legally liable, shall be as follows:

(1) In the event of the death of any such employee resulting from such injury, where such employee at the time of his death was married, his widow shall be entitled to receive the sum of $4,500.

(2) In those cases where such married employee had children under the age of 16 years at the time of his death, his widow shall be entitled to receive, in addition to the sum above specified, the sum of $900 for each child under the age of 16 years, or child wholly dependent upon his or her parents for support by reason of mental or physical incompetency, or unborn or posthumous child, which such employee left at the time of his decease, but not to exceed in all the sum of $9,000.

(3) In those cases where such employee left either father or mother or both, dependent upon him for support at the time of his death, the sum of $900 shall be paid to such father or mother or both, in addition to the sum provided for and made payable to the widow. In no case, however, is the total sum to be paid hereunder to exceed the sum of $9,000 and the payments to which the widow and children may be entitled shall be first paid out of said sum of $9,000.

(4) In those cases where such deceased employee was unmarried at the time of his or her death survived by either his or her father or mother, who was at the time of his or her death dependent upon him or her for support, such father or mother shall be paid the sum of $1,800.

(5) Where such deceased employee was survived by his or her father and mother both dependent upon him or her for support at the time of his or her death, such father and mother dependent upon him or her for support shall be paid the sum of $1,800 each.

(6) In those cases where such deceased employee was a widower at the time of his death, but left one or more minor orphan children, there shall be paid the sum of $4,500, and the further sum of $900 for each orphan child under the age of 16 years, provided the total amount paid shall not exceed $9,000, and the judge of the probate court of the precinct wherein such accident or injury occurred shall appoint a guardian for all of said children, who shall be entitled to, and who shall be paid, the amount specified in this paragraph, for the benefit of said orphan children, and shall divide $4,500 thereof equally among such children and divide the surplus, if any, among the children under 16 years of age.

(7) *Provided, however*, That if such beneficiary or beneficiaries as described in subdivisions 1 to 6, inclusive, immediately preceding this section be neither resident nor a citizen of the United States of America, then the amount due and payable to such beneficiary or beneficiaries shall be in amounts as follows:

(*a*) As to all beneficiaries, except a wife or minor children, 50 per centum of the sums set forth in subdivisions 1 to 6 immediately preceding.

(*b*) As to a wife or minor children, 60 per centum of the sums set forth in subdivisions 1 to 6 immediately preceding.

Such amounts shall be in full settlement of all claims under this act.

(8) In those cases where such deceased employee is, at the time of his or her death, unmarried, and leaves no children nor father nor mother dependent upon him or her as above specified, the employer shall be required to pay the funeral expenses of the deceased not to exceed the sum of $195, and such other expenses, if any, arising after the injury and before the death, not to exceed the further sum of $195.

Where any such employee receiving an injury arising out of and in the course of his or her employment as the result of which he or she is totally and permanently disabled, he or she shall be entitled to receive compensation as follows:

(*a*) If such employee was at the time of his injury married, he shall be entitled to receive $7,200, with $900 additional for each child under the age of 16 years, but the total to be paid shall not exceed $9,000.

(*b*) If such employee at the time of his injury had no wife or children, but had a mother or father dependent upon him, $6,300.

(*c*) In case where such employee who at the time of his injury had both father and mother dependent upon him, $7,200.

(*d*) In those cases where such employee was at the time of his injury a widower or was divorced, but had minor children, he shall receive the sum of $5,400, with an additional sum of $900 for each child below the age of 16 years: *Provided*, That the total sum to be paid such employee shall not in any case exceed the sum of $9,000.

(*e*) In those cases where such employee so injured at the time of his injury was unmarried and had no children nor father nor mother dependent upon him, he shall receive the sum of $5,400.

Where any such employees received an injury arising out of or in the course of his or her employment resulting in his or her partial disability, he or she shall be paid in accordance with the following schedule:

For the loss of a thumb:

(*a*) In case the employee was at the time of the injury unmarried, $720.

(*b*) In case the employee was married but had no children, $900.

(*c*) In case the employee was either married or a widower, but had one or more children, $1,080.

For the loss of an index finger:

(*a*) In case the employee was at the time of the injury unmarried, $450.

(*b*) In case the employee was married, but had no children, $585.

(*c*) In case the employee was either married or a widower, but had one or more children, $720.

For the loss of other finger than the index finger and thumb, $270.

For the loss of a great toe, $450.

For the loss of any other toes than the great toe, $180.

For the loss of a hand:

(*a*) In case the employee was at the time of the injury unmarried, $2,160.

(*b*) In case the employee was married, but had no children, $2,880.

(*c*) In case the employee was either married or a widower and had one child, $2,880, and $360 additional for each of said children, not to exceed, however, the total sum of $3,600.

For the loss of an arm:

(*a*) In case that the employee was at the time of the injury unmarried, $2,700.

(*b*) In case the employee was married, but had no children, $3,600.

(*c*) In case the employee was either married or a widower and had one child, $3,600, and $450 additional for each additional child, the total amount not to exceed, however, $4,500.

For the loss of a foot:

(*a*) In case that the employee was at the time of the injury unmarried, $2,160.

(*b*) In case the employee was married, but had no children, $2,700.

(*c*) In case the employee was either married or a widower and had one child, $2,880, and $360 additional for each additional child, but not to exceed the total sum of $3,600.

For the loss of a leg:

(*a*) In case the employee was at the time of the injury unmarried, $2,700.

(*b*) In case the employee was married, but had no children, $3,600.

(*c*) In case the employee was either married or a widower and had but one child, $3,600 with $450 for each additional child, not to exceed the total sum of $4,500.

For the loss of an eye:

(*a*) In case the employee was at the time of the injury unmarried, $2,160.

(*b*) In case the employee was married but had no chilren, $2,880.

(*c*) In case the employee was either married or a widower and had one child, $2,880 plus $360 for each additional child, not to exceed, however, the total sum of $3,600.

For the loss of an ear: $360.

For the loss of the nose: $720.

For all other injuries causing temporary disability, the employer shall pay to the employee, during the period of such disability, 65 per centum of his daily average wages. And in all cases where the injury develops or proves to be such as to entitle the employee to compensation under some provision in this schedule, relating to cases other than temporary disability, and the employee has been paid compensation for temporary disability, the amount so paid him shall be deducted from the amount to which he shall be entitled under such provision in this schedule.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof shall constitute total and permanent disability and be compensated according to the provisions of this act with reference to total and permanent disability.

Amputation between the elbow and the wrist shall be considered equivalent to the loss of a hand, and amputation between the knee and the ankle shall be considered equivalent to the loss of a foot.

Whenever such employee receives an injury arising out of and in the course of employment, as a result of which he or she is partially disabled, and the disability so received is such as to be permanent in character and such as not to come wholly within any of the specific cases for which provision is herein made, such employee shall be entitled to receive as compensation a sum which bears the same relation to the amount he or she would be entitled to receive hereunder if he or she were totally and permanently disabled that the loss of earning capacity of such employee, by reason of the accident, bears to the earning capacity such employee would have had had he or she not been injured, the amount to be paid in no case to exceed $7,200.

To illustrate: If said employee were of a class that would entitle him or her to $7,200 under this schedule, if he or she were totally and permanently disabled, and his or her injury would be such as to reduce his or her earning capacity 25 per centum, he or she would be entitled to receive $1,800, it being the amount that bears the same relation to $7,200 that 25 per centum does to 100 per centum. Should such employee receive an injury that would impair his or her earning capacity 75 per centum, he or she would be entitled to receive $5,400, it being the amount that bears the same relation to $7,200 that 75 per centum does to 100 per centum.

SEC. 2. *Medical, etc., aid.*—And in addition to the compensation for injured employees in this act otherwise provided, the employer shall furnish to and for each injured employee such reasonably necessary medical, surgical, and hospital treatment, including necessary transportation to and from hospitals, as may be required by reason of the injury, for a period not exceeding one year from and after the date of injury to any such employee; and the employer, in order to create a fund out of which the expenses of such treatment may

be paid, may charge against and deduct from the wages of each employee as and when the same are paid, the sum of not to exceed $2.50 per month: *Provided*, That not more than one-half of the monthly rate may be deducted unless the employee be employed for more than 15 days the money so deducted and withheld by the employer shall be kept by him in a separate fund and used only to cover the services and treatment in this section provided, and if the fund so created be insufficient, such deficiency as may reasonably arise, shall be paid by the employer without any charge therefor against the injured employee or any other of the employees; and the employer shall have the exclusive right, and it shall be his duty, to select and furnish the necessary physicians, surgeons, and hospitals, and to that end he may enter into all necessary contracts with such physicians, surgeons, and hospitals for the furnishing of such services and treatments. Nothing contained in this section shall be construed to limit the right of the employee to provide in any case, at his own expense, a consulting physician or any attending physicians whom he may desire. The fund hereby created by deductions herein allowed to be made by the employer from the wages of employees shall be and the same is hereby made a trust fund which can be used only for the purposes herein set out. Whenever any employer shall cease his business or operations and go out of the business in which such employer has been theretofore engaged, any part of the fund created by this section and remaining in the possession of such employer shall, by the employer, be paid to the Territorial treasurer and by him covered into general Territorial funds.

SEC. 3. *Interest rate.*—All compensation allowed under this act shall bear interest from and after the period of six months after the date of the injury by which the claim for compensation arose at the rate of 8 per centum per annum until paid.

SEC. 4. *Right to higher award.*—If an injured employee entitled to compensation hereunder shall be paid compensation under any subdivision or part of this schedule, and it shall afterwards develop that he or she is or was entitled to a higher rate of compensation under some other part or subdivision of this schedule, then and in that event he or she shall receive such higher rate, after first deducting the amount that has already been paid him or her: *Provided, however*, That no compensation under such increased rate shall be paid unless the disability entitling the employee thereto shall develop within two years after the injury.

SEC. 5. *Right of lien.*—Every employee and every beneficiary entitled to compensation under the provisions of this act shall have a lien for the full amount of such compensation, including costs and disbursements of suit and attorneys' fees therein allowed or fixed, upon all of the property in connection with the construction, preservation, maintenance, or operation of which the work of such injured or deceased employee was being performed at the time of the injury or death of such employee. For example, in the case of any employee injured or killed while engaged in mining or in any work connected with mining, the lien shall extend to the entire mine and all property used in connection therewith; and in the case of an employee injured or killed while engaged in fishing or in the packing, canning, or salting of fish, or other branch of the fish industry, the lien shall extend to the entire packing, fishing, salting, or canning plant or establishment and all property used in connection therewith; and the same shall be the case with all other businesses, industries, works, occupations, and employments. The lien herein provided for shall be prior and paramount and superior to any other lien on the property affected thereby, except liens for wages or materials as is now or may hereafter be provided by law, and shall [be] of equal rank with all such liens for wages or materials. The lien hereby provided for shall extend to and cover all right, title, interest, and claim of the employer of in and to the property affected by such lien, and also all right, title, interest, claim, or lien of any other person in or to such property, unless such person, who is not the employer of the employee so injured or killed, but who claims some right, title, or interest in or to or lien upon such property, shall at least 10 days prior to the injury out of which the claim for compensation arises, have posted and used reasonable diligence to keep posted in at least three conspicuous places on the property subject to such lien, a notice that the right, title, claim, interest, or lien of such person in or to such property shall not be subject or subordinate to the lien of any claim for compensation by this act provided: *Provided, however*, That nothing herein contained shall be deemed to affect the obligation of any valid contract existing on or before August 8, 1927. Any person claiming a lien under this act shall, within four months after

the date of the injury from which the claim of compensation arises, file for record in the office of the recorder of the precinct in which the property affected by such lien is situated a notice of lien, signed and verified by the claimant or some one on his or her behalf, and stating in substance the name of the person injured or killed out of which injury or death the claim of compensation arises, the name of the employer of such injured or deceased person at the time of such injury or death, a description of the property affected or covered by the lien so claimed, and the name of the owner or reputed owner of such property.

The lien for compensation herein provided may be enforced by a suit in equity as in the case of the enforcement of other liens upon real or personal property at any time within 10 months after the cause of action shall arise. Nothing in this section contained shall be deemed to prevent an attachment of property as security for the payment of any compensation as in this act provided.

A suit or action for the lien for compensation herein provided may be joined with an action for compensation otherwise provided under the terms of this act in the same declaration or complaint.

SEC. 6. *Compromise claim.*—At any time subsequent to the injury, the employer and the employee shall have the right to compromise and settle any claim for injury hereunder in accordance with schedule hereof, and the employee shall have the right to give full satisfaction and acquittance therefor and thereby discharge the employer from further liability, and such satisfaction and acquittance shall be binding upon the said employer, employee, beneficiaries under this act, and all other persons whomsoever.

SEC. 7. *Willful intention.*—No compensation shall be allowed or paid for the injury or death of an employee in any case where such injury or death was occasioned by his or her willful intention to bring about the injury or death of himself or herself or of another or where the employee's intoxication was the proximate cause of the injury.

SEC. 8. *Waiting time.*—No compensation shall be paid under this act for an injury which does not incapacitate the employee for a period of at least one week from earning full wages, but if incapacity extends beyond the period of one week, compensation shall begin on the eighth day after the injury: *Provided, however*, That if such disability continues for eight weeks or longer, such compensation shall be computed from the date of the injury.

SEC. 9. *Contractors.*—Any person rendering service for another, other than as an independent contractor, or as expressly excluded herein, is presumed to be an employee within the meaning of this act. The term "independent contractor" shall be taken to mean, for the purposes of this act, any person who renders service, other than manual labor, for a specified recompense for a specified result, under the control of his principal as to the result of his work only and not as to the means by which such result is accomplished.

Workmen associating themselves under a partnership agreement, the principal purpose of which is the performance of the labor on a particular piece of work, shall be deemed employees of the person having such work executed, and, in the event the average weekly earnings are not otherwise ascertainable, shall be deemed to be employed at an average weekly wage of $25.

SEC. 10. *Remedy exclusive.*—The right to compensation for an injury and the remedy therefor granted by this act shall be in lieu of all rights and remedies as to such injury now existing either at common law or otherwise, and no rights or remedies, except those provided for by this act, shall accrue to employees entitled to compensation under this act while it is in effect; nor shall any right or remedy, except those provided for by this act accrue to the personal or legal representatives, dependents, beneficiaries under this act, or next of kin of such employee.

SEC. 11. *Step-parents, etc.*—Step-parents shall be regarded in this act as parents; and an adopted child, or adopted children, or a stepchild, or children, shall be regarded in this act as issue of the body.

SEC. 12. *Statement of beneficiaries.*—(*a*) Every employer coming within the provisions of this act shall require of every employee who shall execute the same, either at the time he or she is employed or thereafter, a written statement showing the name or names of each and all persons that would be entitled to benefits under the provisions of this act in case such employee should become deceased as a result of an injury received by him or her arising out of and in the course of his or her employment; such written statement shall bear the date upon which the same shall be furnished to the employer and shall be signed by the employee: *Provided*, That in cases where such employee is unable to write his or her name, his or her name may be affixed to such statement by another,

and such employee shall make his or her mark in the manner customary in such cases and such mark shall be made in the presence of at least one witness who shall subscribe such statement as a witness. In all cases the employee shall be furnished a duplicate of the said statement.

(*b*) In all cases where there shall be a change of beneficiaries, or a change in the address of any beneficiary, the employee may furnish the employer with a new statement showing such change, such new statement to be so furnished shall in all respects conform and comply with the provisions hereof with reference to the original statement to be furnished.

(*c*) In all cases where such statement or statements is or are furnished the employer by the employee, the employer shall, if such employee became deceased as a result of an injury received in the course of his or her employment, notify each beneficiary named in the last statement of that fact; such notice shall be given by sending each beneficiary at the address given in the last statement furnished a copy of such notice by registered mail, and an envelope containing such notice addressed to each beneficiary at the address given in said last statement furnished shall be deposited in the post office and registered within 10 days after such employee shall have become deceased.

(*d*) [Form of notice to be given is set forth here.]

(*e*) Any failure on the part of the employee to supply the employer with a statement as hereinabove provided shall not work a forfeiture of the right of his or her beneficiaries to benefits hereunder.

(*f*) In cases where the employer shall have been furnished with such statements and shall fail to notify the beneficiaries therein named as shown by the late statement furnished, within the time and in the manner herein provided, such beneficiaries who have not been so notified shall have the right to notify the employer of their claims to benefits and file claims and prosecute actions or other proceedings for the recovery thereof, notwithstanding the fact that such notice was not served as hereinafter provided within the period of 120 days from and after the time that the employee became deceased.

(*g*) Upon the trial of any issue relating to a beneficiary's right to compensation under this act, any statement furnished an employer, as hereinabove provided, may be offered in evidence by such employer and when so offered shall be received in evidence and shall be held to establish conclusively the facts therein set forth and shall be prima facie evidence that there are no other beneficiaries.

(*h*) In all cases where any person claims to be a beneficiary under this act entitled to compensation because of an injury to an employee coming within its provisions, which resulted in his or her death, such beneficiary or some one in his or her behalf shall within 120 days from and after the death of such employee serve a written notice upon the employer, which notice shall contain the name and address of the person claiming to be such beneficiary, the relationship existing between such beneficiary and the deceased, and if such beneficiary shall be either the father or mother of the deceased such notice shall also contain a statement showing that such person was dependent upon the earnings of the deceased. Such notice shall be liberally construed and no claim for compensation shall be denied because of any defect in the notice, provided it appears that a notice was served with a bona fide intention to comply with the provisions of this act. Such notice may be served by any person of legal age by delivering a copy thereof to the employer or the employer's agent in person or by leaving a copy thereof at the employer's principal place of business within the Territory of Alaska with some person over the age of 18 years in the employ of such employer. If the employer can not be found within the Territory and has no known agent or place of business therein, such beneficiary may serve such notice by publishing the same in one issue of any newspaper of general circulation published in the judicial division where the injury, out of which the right to compensation arose, occurred. Failure to serve such notice shall not be a bar to recovery of compensation by beneficiary unless it be proven that the employer at no time prior to the expiration of the 120 days herein mentioned had any information about the injury of the employee for which the compensation is claimed, or, having such information, had, subsequent to the expiration of said 120 days, in good faith paid the compensation herein provided for to another person who claimed to be the beneficiary and whom the employer, at the time of making such payment, believed in good faith to be the beneficiary entitled to the compensation.

SEC. 13. *Deposits for claims.*—In case one or more beneficiaries serve notice upon an employer as above provided, of his, her, or their claims to compensa-

tion under this act, such employer may at any time during the 10 days next following the period of 120 days during which such notices could be served, deposit $9,000 with the clerk of the district court for the division within which such employee was injured; or such employer may deposit with such clerk of the court a bond in the sum of $9,000, signed by such employer as principal and two or more good and sufficient sureties to be approved by the judge of the court, conditioned that such employer will pay the sum or sums that may be finally awarded as compensation under this act, under the judgment of the court, to the person or persons entitled thereto according to said judgment, and conditioned further that judgment may be entered on said bond, not only against the principal but against the sureties, and each of them jointly and severally, as well, by the court in said proceeding and without bringing a separate action on said bond. No action brought to recover such compensation shall be tried until after the expiration of said period of 120 days and said period of 10 days.

SECS. 14–18. *Procedure.*—[All claimants are to be notified of deposits by the employer under provisions above, and any prior action by claimant then abates, and proceedings follow the course prescribed; but if such claimants are found entitled to compensation, costs are awarded. Notice of deposit of the money or bond must be advertised once a week for four consecutive weeks in a local newspaper, and a time stated within which claims are to be presented. Bond or sum of $9,000 must be deposited. Claimants file their claims in the district court, and a copy is served on the employer. Answer must be filed within 20 days. Hearings are to be had within 30 days from the date set for the filing of the claims, with a jury if demanded. If not, trial is before the judge of the court as in other cases; the order of proof shall rest in the discretion of the court, but such discretion shall be so exercised as to give all parties a full, fair, and complete hearing. Findings of fact are to be filed, whether trial is with or without a jury, and judgment is to be entered in accordance therewith.]

SECS. 19–21. *Awards.*—[If no claim is filed or the claimants fail to prove a right to an award, the sum deposited by the employer is to be returned, less costs. Where a judgment is entered against an employer in favor of claimants, and the sum of $9,000 was deposited, those claimants adjudged to be entitled shall be paid out of the sum without costs and interest. If any part is undistributed it is to be returned to the employer, less costs.]

SEC. 22. *Appeals.*—One or more claimants may take an appeal from any judgment rendered under this act as to such claimant or claimants, and any employer may take an appeal from any such judgment, either in whole or in part—that is to say, as to any one or more of the claimants. Such appeal shall be to the United States Circuit Court of Appeals for the Ninth Circuit, and shall be taken up on writ of error, sued out and prosecuted as in other cases. When, however, an employer takes an appeal from such judgment or any part thereof against the allowance in favor of any one or more claimants, and the judgment shall be affirmed as to any such claimant, the claimant in whose favor the judgment has been so affirmed shall be entitled to interest at the rate of 8 per centum on the amount of his claim calculated from the date of the judgment and shall also be entitled to costs on appeal.

SEC. 23. *Actions.*—Whenever two or more persons claiming to be beneficiaries of any deceased employee, whose beneficiaries are entitled to compensation under the provisions of this act, bring separate actions to recover such compensation, such actions shall be consolidated and tried as one action upon the application of any party to either or any of such action.

SECTION 24. *Actions.*—Actions for the recover[y] of compensation due under this act may be brought, maintained, and determined in and by the courts of this Territory, and when so brought shall be governed by the law of procedure applicable to other actions for the recovery of money except as herein otherwise expressly provided.

SEC. 25. *Actions.*—No action for the recovery of compensation hereunder shall be brought in any court holden outside of the judicial division in which the injury occurred, out of which the right to compensation arises, except in cases where service can not be had on the employer in the judicial division where the injury occurred. No action for the recovery of compensation hereunder shall in any case be brought in any court outside of the Territory of Alaska, except in cases where it is not possible to obtain service of summons upon the defendant in said Territory, and in all such cases the plaintiff must plead and

prove his inability to obtain service of summons upon the defendant within the Territory of Alaska.

SEC. 26. *Actions.*—(*a*) A writ of attachment shall be issued by the clerk of the court in which such action for the recovery of compensation under this act is pending, or by the United States commissioner in actions pending in the court of such commissioner. Whenever the plaintiff or anyone in his behalf shall make and file an affidavit showing that he or she is entitled to recover compensation from the defendant, under the provisions of this act, such affidavit must show all the facts necessary to bring the plaintiff within the provisions of this act, and must further set up all the facts necessary to show that a cause of action exists in favor of the plaintiff and against the defendant for the amount sued for and for which the attachment is sought under the provisions of this act.

(*b*) Upon filing such affidavit in actions pending as aforesaid with the clerk of the court, or the commissioner in actions pending in the court of such commissioner, the plaintiff shall be entitled to have a writ of attachment issued without filing any bond or other security. Such writ shall be directed to the marshal and shall in all respects conform to writs of attachment in other cases and shall be issued, served, executed, and returned in the same manner that writs of attachment in other cases are now issued, served, executed, and returned.

(*c*) The defendant may, however, file a written undertaking in any pending cause for the benefit of the plaintiff in an amount equal to double the amount sued for, executed by two or more sufficient sureties, to be approved by the judge or commissioner in whose court the action is pending and conditioned that the defendant will pay any judgment that may be awarded against such defendant in the action. No writ of attachment shall issue after such undertaking has been filed by the defendant, and if such undertaking shall be filed after the writ has been issued, such writ shall be quashed; and if property has been attached under such writ at the time of the filing of such undertaking, such attachment shall be dissolved and set aside and the property attached returned to the defendant.

SEC. 27. *Medical examinations.*—The employee shall, after an injury, at reasonable times during the continuance of his or her disability, if so requested by his or her employer, submit himself or herself to an examination by a physician or surgeon authorized to practice medicine under the laws of the Territory or State in which such employee may be found, furnished and paid for by the employer. The employee shall have the right to have a physician, provided and paid by himself or herself, present at such examination or examinations. If any employee refuses to submit himself or herself to any such examination or examinations provided for in this act, or in any way obstructs any such examination or examinations, his or her rights to compensation shall be suspended, and his or her compensation, during such period of suspension, may, in the discretion of the jury or court determining an action brought for the recovery of compensation under this act be forfeited.

SEC. 28. *Waivers.*—No agreement by an employee to waive his or her rights to compensation under this act shall be valid, except as herein elsewhere provided, and no employer or employee shall exempt himself, herself, or itself, except in the manner herein elsewhere provided, from the burden or waive the benefits of this act, by any contract, agreement, rule, regulation, or device; and any such contract, agreement, rule, regulation, or device shall be absolutely void.

SEC. 29. *Limitations.*—Any and all claims for compensation under this act shall be barred unless an action for the recovery of the same shall be commenced within two years after the cause of action shall have accrued, or, in the event of mental incapacity, within two years after the removal of such mental incapacity.

SEC. 30. *Liability of third parties.*—Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some one other than the employer to pay damages in respect thereof, the employee may take proceedings both against the one so liable to recover damages and against anyone liable to pay compensation under this act, but shall not be entitled to receive both damages and compensation. And if the employee has been paid compensation under this act, the employer by whom the compensation was paid shall be entitled to indemnity from the person, firm, or corporation so liable to pay damages as aforesaid and to the extent of such indemnity shall be subrogated to the rights of employee to recover damages therefor.

SEC. 31. *Election presumed when.*—When five or more employees, as defined in this act, are employed in the same general employment in connection with any business or industry carried on in this Territory, and in the usual and ordinary conduct of such operations, it shall be presumed that the employer, as defined by this act, has elected to pay compensation according to the terms, conditions, and provisions of this act to such employees as may sustain personal injury arising out of and in the course of the employment, and in such case the employer shall be relieved from liability for a recovery of damages or other compensation for such personal injuries unless by the terms of this act otherwise provided.

SEC. 32. *Rejection by employer.*—If such employer exercise the right to reject the terms, conditions, and provisions of this act in the manner and form by this act provided, such employer shall not escape liability for personal injury sustained by an employee of such employer when the injury sustained arises out of and in the usual course of the employment because:

(1) The employee assumed the risks inherent to or incidental to or arising out of his or her employment, or the risks arising from the failure of the employer to provide and maintain a reasonably safe place to work, or the risks arising from the failure of the employer to furnish reasonably safe tools or appliances, or because the employer exercises reasonable care in selecting reasonably competent employees in the business;

(2) That the injury was caused by the negligence of a coemployee;

(3) That the employee was negligent, unless and except it shall appear that such negligence was willful and with intent to cause the injury; or the result of intoxication on the part of the injured party;

(4) In actions by an employee against an employer for personal injury sustained arising out of and in the course of the employment where the employer has elected to reject the provisions of this act, it shall be presumed that the injury to the employee was the first result and growing out of the negligence of the employer; and that such negligence was the proximate cause of the injury; and in such case the burden of proof shall rest upon the employer to rebut the presumption of negligence.

SEC. 33. *Rejection, same.*—Every such employer shall be conclusively presumed to have elected to pay compensation to employees for injuries sustained arising out of and in the course of the employment according to the provisions of this act unless and until notice in writing of an election to the contrary shall have been given to the employee by recording said notice with the United States commissioner ex officio recorder in whose recording precinct the employer's operations are carried on, and if such operations are carried on in more than one precinct, then such notice shall be recorded in the office of the commissioner ex officio recorder for each precinct in which the same are being conducted, and the notice to reject shall be recorded by the commissioner ex officio recorder who shall be paid a fee of $1.50 therefor, and such notice when so recorded shall be and become a public record, and such notice shall also be posted and kept on the premises of the employer or on the premises where the employer's operations are being carried on in three conspicuous places, one of which shall be at the office of the employer, one at the mess house or boarding house, if there be one, and the third in some conspicuous place on the premises or works. Such recorded notice shall be substantially in the following form, and the signature shall be witnessed by two witnesses:

[Form of employer's notice to reject is set forth here.]

SEC. 34. *Rejection, same.*—The notice so recorded shall apply to the employees subsequently employed by the employer with the same fullness and effect and to the same extent and in like manner as employees in the employ at the time the notice was recorded, except as herein provided.

SEC. 35. *Terms of contract.*—Where the employer and employee have not given notice of an election to reject the terms of this act, this act shall constitute a part of every contract of hire, express or implied, and the same shall be construed as an agreement on the part of the employer to pay, and on the part of the employee to accept compensation in the manner as by this act provided for all personal injuries sustained, arising out of and in the course of the employment.

SEC. 36. *Rejection by employees.*—All employees affected by this act shall be conclusively presumed to have elected to take compensation in accordance with the terms, conditions, and provisions of this act until notice in writing shall have been served upon the employer or his agent in person and receipt taken therefor.

(*a*) In the event that such employee elects to reject the terms, conditions, and provisions of this act, the rights and remedies thereof shall not apply where an employee brings an action or takes proceedings to recover damages or compensation for injuries received growing out of and in the course of his or her employment, except as otherwise provided by this act; and in such actions where the employee has rejected the terms of this act, the employer shall have the right to plead and rely upon any and all defenses, including those at common law, and the rules and defenses of contributory negligence, assumption of risk, and fellow servant shall apply and be available to the employer unless otherwise provided in this act: *Provided, however,* That if an employee sustains an injury as the result of the employer's failure to furnish or failure to exercise reasonable care to keep or maintain any safety device required by statute, or violates any of the statutory provisions or rules and regulations now or hereafter in force relating to safety of employees, the doctrine of assumed risk in such case growing out of the negligence of the employer shall not apply or be available as defensive matter to such offending party. The notice required to be given by an employee shall be substantially in the following form.

[Form of employee's notice to reject is set forth.]

SEC. 37. *Terms of election, waiver.*—Where the employer or employee has given notice in compliance with this act electing to reject the terms thereof, such election shall be for one year from the date of becoming effective, and unless renewed within 30 days before the expiration of one year, as herein provided, it shall be conclusively presumed that such party has elected to waive the rejection made and come under the provisions of this act to pay or accept, as the case may be, the compensation here provided, until the contrary is shown by the service of notice anew, electing to reject the provisions of this act as herein provided.

SEC. 38. *Election.*—Where an employer or employee rejects the terms, conditions, or provisions of this act, such party may at any time thereafter elect to waive the same by giving notice in writing in the same manner required of the party in electing to reject the provisions of this act, and which shall become effective, and be recorded with the commissioner or commissioners, in like manner that said notice to reject is required to be recorded.

SEC. 39. *If both reject.*—Where the employer and employee elect to reject the terms, conditions, and provisions of this act, the liability of the employer shall be the same as though the employee had not rejected the terms and conditions thereof and the employer had rejected the same.

SEC. 40. *Assignments, etc.*—No claim for compensation due under this act shall be assignable, and all compensation due hereunder shall be exempt from execution.

SEC. 41. *Employer; employee.*—Whenever the term "employer" is used in this act, reference is had to any person or persons, partnership, joint-stock company, association, or corporation employing five or more employees in connection with any business or industry coming within the scope of this act and carried on in this Territory, and whenever the term "employee" is used in this act, reference is had to an employee employed by an employer as above defined.

SEC. 42. *Beneficiary.*—The term "beneficiary" as used in this act refers to any person entitled to compensation under the provisions hereof.

SEC. 43. *Gender.*—The masculine gender whenever used herein shall be held to include the feninine [feminine] and neuter.

SEC. 44. *Costs.*—In all suits or actions for the recovery of compensation or to enforce any lien brought under the provisions of this act, the prevailing party shall be entitled to and the court shall allow in addition to the other costs and disbursements provided by statute, a reasonable attorney's fee, the same to be fixed by the court; and such attorney's fee shall be allowed in a sufficient sum to reasonably cover the entire attorney's fee of the prevailing party in any such suit or action.

SEC. 45. *Title.*—This act may be cited as "The workmen's compensation act of Alaska."

SEC. 46. *Repeal.*—All acts and parts of acts in conflict herewith are hereby repealed to the extent of such conflict; but this repeal shall not affect any right or claim which arose under any other act prior to the time when this act shall go into effect.

ARIZONA

[The compensation law of this State (Acts of 1925, ch. 83) was amended by chapter 8, Acts of 1927. The changes are indicated below.

[Section 54 was amended by chapter 8 (fourth special session) Acts of 1927, to read as follows:]

SEC. 54. *Pay rolls to be furnished.*—It shall be the duty of the State auditor, the clerk of the board of supervisors of each county, clerk of each city, town, or municipal corporation, and the county school superintendent of each county, to furnish the commission quarterly with a true and accurate pay roll of the State, county, city, town, municipal corporation, and school districts in each county, respectively, showing the total amount paid to employees subject to this act during each month of said quarter, segregated in accordance with the requirements of the commission; and it shall thereupon be the duty of each of said clerks, respectively, of each county, city, town, and municipal corporation, and of each county school superintendent in the State, to prepare and submit to the respective governing body thereof, respectively, for approval, a claim for the amount of premiums due the commission for the benefit of the State compensation fund, and such premiums shall be at once paid to the commission by the proper officer. The State auditor is hereby authorized to draw her warrant for such premiums as may be due from the State in accordance with the terms hereof in favor of the treasurer for the benefit of the State compensation fund and the treasurer shall at once pay said warrant out of the general fund and the appropriation made in section 98 of this act, until provision shall be made for such purpose in the general appropriation bill and then out of the appropriation for the State compensation fund authorized in the general appropriation bill and apply the proceeds thereof to the credit of the State compensation fund. The legislature shall make provision in the general appropriation bill for the State of Arizona for the State compensation fund. Any official who fails or refuses to comply with the provisions of this section shall be guilty of a misdemeanor for each and every offense and upon conviction thereof shall be punished by a fine of not less than $50.

CALIFORNIA

[The compensation law of this State (acts of 1917, ch. 586) was amended by chapters 702, 834, Acts of 1927 and by supplemental laws, chapters 440, 589, 653, 760, 761, and 762, Acts of 1927.

[Section 25 was repealed by chapter 760, Acts of 1927.

[Section 26 (as amended 1919, ch. 471), was further amended by chapter 702, acts of 1927, by adding after the word "pending," in the last line the following: "after notice to and opportunity of all parties to the action to be heard by such court."

[Section 36½ was added by chapter 589, acts of 1927, and reads as follows:]

The State compensation insurance fund may insure California employers against liability for compensation under the United States longshoremen's and harbor workers' compensation act and any amendments which may from time to time be enacted thereto, as fully as any private insurance carrier.

[Section 51 was amended by chapter 761, Acts of 1927, by increasing the annual tax to be paid by State fund from 2 per cent to 2.6 per cent of the gross premiums.

[Section 55½ was added by chapter 589, Acts of 1927, and reads as follows:]

The industrial accident commission is hereby authorized and empowered to accept, in its discretion, any appointment as deputy commissioner under, or any delegation of authority to enforce, the United States longshoremen's and harbor workers' compensation act, if such appointment or authority be offered by the United States officers or board administering such act. The commission may enter into arrangements with the United States, subject to the approval of the department of finance, for the payment of any expenses incurred in the performance of services under said act. In the performance of any duties under said act, appointment, or authority, the commission shall be entitled, subject to the provisions thereof, to exercise any authority conferred upon said industrial accident commission by the laws of this State.

Chapter 834, Acts of 1927.—*Industries covered—Notice of rejection*

Section 1. *Agricultural laborers.*—Any employer and his employees engaged in farm, dairy, agricultural, viticultural, or horticultural employments or in stock or poultry raising, not subject to the compensation provisions of the "workmen's compensation, insurance, and safety act of 1917," as amended, shall, from and after the date this act takes effect, be conclusively presumed to have accepted the compensation provisions of said act and amendments thereto and to have included in their contract of hire or apprenticeship, express or implied, a mutual agreement to accept said provisions, unless either such employer or employee shall, prior to the occurrence of any injury, have given notice of rejection of said provisions of said act in the manner herein provided.

Sec. 2. *Notice of rejection.*—Such notice of rejection shall be given by the employer by posting in a conspicuous place at his place of employment where it may conveniently be seen and read by his employees one or more notices to the effect that he rejects the provisions of said act and amendments thereof, and filing a copy of the same with proof of posting of original, with the industrial accident commission. Such notice of rejection shall be given by the employee by delivering a copy to the employer personally or by registered mail and filing a copy thereof with proof of service with the industrial accident commission. The industrial accident commission may prescribe the form of said notices and proofs.

Sec. 3. *Effect on contracts and excluded employments.*—This act shall apply to all contracts of excluded employment, hire, or apprenticeship specified in section 1 of this act in effect upon the effective date of this act, unless notice of rejection shall have been given in the manner prescribed herein, prior to said

effective date. Such notices may be given at any time after the passage of this act.

This act shall also apply to all such excluded employments entered into after its effective date, unless the notice of rejection be given prior to the occurrence of the injury upon which the claim for compensation is based: *Provided*, That if the required copy of such notice is not filed until after the occurrence of the injury, such rejection shall be effective if the notice was actually posted or given prior to the occurrence of the injury and proof thereof received in the office of the commission for filing within 10 days after the date of such delivery or posting.

SEC. 4. *Withdrawal of notice of rejection.*—Notice of rejection of the compensation provisions of the "workmen's compensation, insurance, and safety act of 1917," as amended, may be withdrawn at any time by the employer and/or employee by posting or delivering notice of withdrawal in the manner herein required for posting or delivering notices of rejection. Such notice of withdrawal shall take effect at the time it is given, but it shall be the duty of the party giving the notice of withdrawal to forward a copy of the same to the industrial accident commission, whereupon the notice of rejection shall become inoperative, null, and void. The commission may prescribe the form of such notice of withdrawal of rejection.

SEC. 5. *Other acceptances.*—Any person who, not being otherwise subject thereto, shall have accepted or may hereafter accept the compensation provisions of the "workmen's compensation, insurance, and safety act of 1917," as amended, in any of the modes prescribed by section 70 thereof, shall be bound thereby the same as if this act had not been passed.

SUPPLEMENTAL ACTS

[Chapter 440, Acts of 1927, amends several sections of the State political code. The division of workmen's compensation insurance and safety of the department of labor and industrial relations is superseded by the division of industrial accidents and safety of the department of industrial relations.

[Chapter 316, Acts of 1923, was amended by chapter 653, Acts of 1927, by adding two new sections, 9 and 10, providing that convicts working on the State roads are expressly excluded from the compensation act.

[Section 11, chapter 176, Acts of 1913, was amended by chapter 762, Acts of 1927, by abolishing the accident-prevention fund, and certain fees and payments paid into that fund shall now be paid into the general fund.]

COLORADO

[The compensation law of this State (Acts of 1919, ch. 210) was amended by chapters 197, 198, and 199, acts of 1927. The changes are indicated below.

[Section 9 was amended by chapter 197, section 2, Acts of 1927, by adding after the words "State of Colorado," in line 10, the words "and all members of the volunteer fire departments of any city or town." And also in line 12 after the word "firemen" add the words "who are regularly employed."

[Section 17 (as amended 1923, ch. 201) was further amended by chapter 198, Acts of 1927, to read as follows:]

Voluntary election.—Election on the part of any employer to be subject to this act, including the employer of private domestic servants, farm and ranch laborers, or of three or less employees, may be made by filing with the commission a written statement to the effect that he accepts the provisions of this act.

Any employer subject to the provisions of this act may withdraw from its provisions and reject the same upon the first day of any month: *Provided,* Said employer gives written notice to the commission of his intention to withdraw from and reject such act not less than 30 days prior to the first day of the month in which he desires such withdrawal and rejection to become effective: *And provided further,* That such withdrawing employer shall post in conspicuous places in his several places of employment written or printed notices to the effect that on and after the 1st day of the month in which such withdrawal and rejection shall become effective, said employer will not be subject to the provisions of the workmen's compensation law, which notices shall be posted at least 30 days prior to the date of such withdrawal and rejection and shall be kept continuously posted thereafter in sufficient places frequented by his employees to reasonably notify such employees of such rejections.

Any employer having withdrawn from the provisions of or rejected this act, as in this section provided, may thereafter at any time elect to become subject to said act and shall become subject thereto by filing the notice herein provided for, or upon the insuring of his liability under and in accordance with the provisions of this act.

[Section 44 was amended by chapter 197, section 3, Acts of 1927, by inserting after the word "commission," in line 9, the following provision:]

Salaries.—Salaries of the employees of the State compensation insurance fund and the other operating expenses of said fund shall be paid monthly out of the earnings of said fund: *Provided however,* That in no case shall the total operating expenses of the State compensation insurance fund, including the salaries of the employees of said fund, exceed 10 per cent of the premiums written by said State compensation insurance fund during the preceding year. The salaries to be paid to employees of the State compensation insurance fund shall be fixed by the commission, but in no case shall exceed the following amounts: Manager, $3.500 per annum; assistant manager, $3,000 per annum; bookkeepers, $1.800 per annum; underwriters, $2,400 per annum; assistant underwriters, $1,800 per annum; coal-mine inspector, $3,000 per annum; pay-roll auditors and inspectors, $2,400 per annum; pay-roll auditors, $1,800 per annum; statistical clerks, $1,500 per annum; claim examiners, $1,800 per annum; filing clerks, $1,200 per annum; chief stenographer, $1,380 per annum; clerks and stenographers, $1,200 per annum. No person shall be employed at a salary of more than $100 per month except under one of the above classifications.

[Section 125 was amended by chapter 197, section 4, Acts of 1927, to read as follows:]

Fund to be continuing.—The State compensation insurance fund shall be a continuing fund and shall consist of all premiums received and paid into said fund for compensation insurance, all property and securities acquired by and through the use of moneys belonging to said fund and all interest earned upon moneys belonging to said fund and deposited or invested as herein provided. Said fund shall be applicable to the payment of the salaries of the employees

of the fund and to its other operating expenses, and to the payment of losses sustained or liabilities incurred under the contracts or policies of insurance issued by said State compensation insurance fund in accordance with the provisions of this act.

[Section 132 was amended by chapter 197, section 5, Acts of 1927, to read as follows:]

Amendment of rates.—The commission may, in its discretion, amend at any time the rate or rates for any class or classes, subclass or subclasses: *Provided further*, That no contract of insurance between the State compensation insurance fund and any employer shall be in effect until a policy or binder has been actually issued by the commission and the premium therefor paid as and when required by this act: *And provided further*, That after the inspection of the premises of any employer, or after considering the experience of such employer, the commission may quote with respect to his risk a rate higher or lower than that indicated by its manual as applicable to his risk. Not less often than once a year the commission shall tabulate the earned premiums paid by policy holders of the State compensation insurance fund, by classes and subclasses, and shall also tabulate the losses incurred by the fund by classes and subclasses. Should the experience of the fund show a balance to the credit of the policyholders of any class or subclass after the above-mentioned amounts have been credited to the surplus fund, and after payment of all amounts which have fallen due because of operating expenses, injury or death, and after setting aside proper reserves, then the commission shall distribute such credit balance to the policyholders of such classes as have a balance to their credit in proportion to the premium paid by each such policyholder during the preceding insurance period and in proportion to the credit balance earned by the class or subclass: *Provided, however*, That in the event any such policyholder fails to renew his policy in the State compensation insurance fund for the period following the period in which said dividends were earned, he shall not be entitled to said credit dividend: *And provided further*, That in the event an employer actually discontinues business, his policy shall be canceled and the dividend, if any, when ascertained, returned to him.

[Section 134 was amended by chapter 197, section 6, Acts of 1927, by abolishing the period of "six months in the adjustment of premiums."

[Section 135 was amended by chapter 197, section 7, Acts of 1927; the "semi-annual" period for payments by employers insured in the compensation fund is abolished.

[Section 137 was amended by chapter 197, section 8, Acts of 1927, by providing that the State highway department of the State shall pay the premiums for their employees; and also that the county superintendent of schools shall furnish lists of employees showing the total amount to be expended as wages by each school district during the succeeding year.

[Section 141 was amended by chapter 199, Acts of 1927, by enlarging the powers of the State treasurer relative to the investing of funds.]

CONNECTICUT

[The compensation law of this State (G. S. 1918, ch. 284) was amended by Acts of 1927, chapters 138, 185, 304, and 307. The changes are indicated below. Section 5341, G. S. 1918 (as last amended 1921, chapter 306, sec. 1) was amended by chapter 307, section 1, Acts of 1927, to read as follows:]

SEC. 5341. *Election of compensation.*—When any persons in the mutual relation of employer and employee shall have accepted part B of chapter 284 of the General Statutes, the employer shall not be liable to any action for damages on account of personal injury sustained by an employee arising out of and in the course of his employment or on account of death resulting from personal injury so sustained; but the employer shall pay compensation on account of personal injury in accordance with the scale hereinafter provided, except that no compensation shall be paid when the personal injury shall have been caused by the willful and serious misconduct of the injured employee or by his intoxication. The acceptance of part B of chapter 284 of the General Statutes by employers and employees shall be understood to include the mutual renunciation and waiver of all rights and claims arising out of personal injury sustained in the course of employment as aforesaid, other than rights and claims given by part B of chapter 284 of the General Statutes, including the right of jury trial on all questions affecting compensation and all right of appeal from the compensation commissioners except as hereinafter established.

[Section 5346 (as amended 1921, ch. 306, sec. 2) was amended by chapter 304, Acts of 1927, fixing a minimum attorneys' fee of $25 in certain cases.

[Section 5349 (as last amended 1921, ch. 306, sec. 4) was amended by chapter 307, section 2, Acts of 1927, to read as follows:]

SEC. 5349. *Death benefits.*—Compensation shall be paid on account of death resulting from accident or an occupational disease within two years from the date of the accident or the first manifestation of a symptom of the occupational disease, as the case may be, as follows: (*a*) For burial expenses, $200; (*b*) to those wholly dependent upon the deceased employee at the time of his injury, a weekly compensation equal to half of the average weekly earnings of the deceased at the time of the injury; (*c*) in case there is no one wholly dependent upon the deceased employee, to those partially dependent upon the deceased employee at the time of his injury, a weekly compensation equal to half of the average weekly earnings of the deceased at the time of the injury: *Provided*, The amount so paid shall not be more than $21 weekly, nor less than $5 weekly, nor, if the average weekly sum contributed by the deceased at the time of the injury to those partially dependent be more than $5 weekly, not more than said sum so contributed; but the compensation payable on account of death resulting from injuries shall in no case be more than $21 or less than $5 weekly, and such compensation shall not continue longer than 312 weeks after death. The compensation on account of death payable under the provisions of chapter 284 of the General Statutes to a widow or widower of a deceased employee shall not cease with the death of such widow or widower, but, upon her or his death within the period during which such compensation is payable, it shall continue to be paid for the remainder of such period to the other dependents of the deceased employee as defined in section 5388 of the General Statutes as herein amended.

[Section 5351 (as last amended 1925, ch. 247, sec. 1) was amended by chapter 307, section 3, Acts of 1927, by adding after the words "any injury resulting in incurable imbecility or insanity"; in section (*f*) the following: *Provided*, An employee who shall have suffered the loss or loss of use of one of the members of his body, or of part of one of the members of his body, or the reduction of vision in one eye to one-tenth or less of normal vision with glasses, shall not receive compensation for a later injury in excess of the compensation allowed for such injury when considered by itself and not in conjunction with the previous incapacity.]

[Section 5352 (as last amended 1925, ch. 247, sec. 2) was amended by chapter 307, section 4, Acts of 1927, by changing the schedule of compensation for partial incapacity to read as follows:]

SEC. 5352. *Partial disability.*—If any injury for which compensation is provided under the provisions of said chapter 284 shall result in partial incapacity, there shall be paid to the injured employee a weekly compensation equal to half of the difference between his average weekly earnings before the injury and the amount he is able to earn thereafter. Such compensation shall in no case be more than $21 weekly and shall continue during the period of partial incapacity, but no longer than 520 weeks. If the employer shall procure for an injured employee employment suitable to his capacity, the wages offered in such employment shall be taken as the earning capacity of the injured employee. With respect to the following injuries the compensation, in addition to the usual compensation for total incapacity, but in lieu of all other payments for compensation, shall be half of the average weekly earnings of the injured employee, but in no case more than $21 or less than $5 weekly: (*a*) For the loss of one arm at or above the elbow, or the complete and permanent loss of the use of one arm, 208 weeks; (*b*) for the loss of one hand at or above the wrist, or the complete and permanent loss of the use of one hand, 175 weeks; (*c*) for the loss of one leg at or above the knee, or the complete and permanent loss of the use of one leg, 208 weeks; (*d*) for the loss of one foot at or above the ankle, or the complete and permanent loss of the use of one foot, 156 weeks; (*e*) for the complete and permanent loss of hearing in both ears, 156 weeks; (*f*) for the complete and permanent loss of hearing in one ear, 52 weeks; (*g*) for the complete and permanent loss of sight in one eye, or the reduction in one eye to one-tenth or less of normal vision with glasses, 156 weeks; (*h*) for the loss of, or the complete and permanent loss of the use of, a thumb, 60 weeks; (*i*) for the loss of, or the complete and permanent loss of the use of, a first finger or a great toe, 38 weeks; (*j*) for the loss of, or the complete and permanent loss of the use of, a second finger, 30 weeks; a third finger, 25 weeks; a fourth finger, 20 weeks; (*k*) for the loss of, or the loss of the use of, any toe except the great toe, 13 weeks.

The loss of, or the loss of the use of, one phalanx of a thumb shall be construed as half of the loss of the thumb; the loss of, or the loss of the use of, one phalanx of a finger shall be construed as one-third of the loss of the finger; the loss of, or the loss of the use of, two phalanges of a finger shall be construed as two-thirds of the loss of the finger; the loss of, or the loss of the use of, one phalanx of a great toe shall be construed as half of the loss of the great toe, and the loss of the greater part of a phalanx shall be construed as the loss of a phalanx; and shall be compensated accordingly. In case the injury shall consist of the loss of a substantial part of a member resulting in a permanent partial loss of the use of the member, or, in case the injury results in a permanent partial loss of function, the commissioner may, in his discretion, in lieu of other compensation, award to the injured person such a proportion of the sum herein provided for the total loss, or loss of use of, such member, or for incapacity or both, as shall represent the proportion of total loss or loss of use found to exist, and any voluntary agreement submitted in which the basis of settlement is such proportionate payment may, if otherwise conformable to the provisions of this act, be approved by the commissioner in his discretion. The word "member" shall include all portions of the human body referred to in subsections (*a*) to (*k*), inclusive. In case of an injury to any portion of the body, referred to in subsections (*a*) to (*k*), inclusive, or to a phalanx or phalanges of the thumb, finger, or toe, the commissioner may, in his discretion, in the manner hereinbefore provided, award compensation for the proportionate loss, or loss of use of, the member of the body affected by such injury: *Provided*, In order to be entitled to compensation for a hernia, the employee shall prove that the hernia resulted from an accidental injury; that inability to work immediately followed such accident; that there was not a preexisting hernia at or prior to the accident for which compensation is claimed; and that, within two weeks thereafter, the facts of such accident were communicated to the employer.

[Section 5360 (as last amended, 1921, chapter 306, section 8) was amended by chapter 307, section 5, Acts of 1927, to read as follows:]

SEC. 5360. *Claims.*—No proceedings for compensation under the provisions of chapter 284 of the General Statutes shall be maintained unless a written notice of claim for compensation shall be made within one year from the date

of the accident or from the first manifestation of a symptom of the occupational disease, as the case may be, which caused the personal injury: *Provided*, If death shall have resulted within two years from the date of the accident or first manifestation of a symptom of the occupational disease, a dependent or dependents may make claim for compensation within said 2-year period: *And provided*, No claim for an occupational disease shall be made by an employee or his dependents against the employer in whose employ the disease is claimed to have originated, except while the employee is still in such employ, or within three years after leaving such employ. Such notice shall state in simple language the date and place of the accident and the nature of the injury resulting therefrom, or the date of the first manifestation of a symptom of the occupational disease and the nature of such disease, as the case may be, the name and address of the employee and of the person in whose interest compensation is claimed. The notice may be served in the same manner as notices of withdrawal from the provisions of Part B of chapter 284 of the General Statutes; and, in cases of fatal injuries, notice may be served either by any one of the dependents under the provisions of said chapter 284 as provided in section 5343 of the General Statutes as amended by section 3 of chapter 142 of the Public Acts of 1919, or by the legal representative of the deceased employee; but if there shall have been a hearing or a written request for a hearing or an assignment for a hearing within one year from the date of the accident, or from the first manifestation of a symptom of the occupational disease, as the case may be, or in the event that a voluntary agreement shall have been submitted within said period of one year, no want of such notice of claim shall be a bar to the maintenance of proceedings, and in no case shall any defect or inaccuracy of such notice of claim be a bar to the maintenance of proceedings unless the employer shall show that he was ignorant of the facts concerning such personal injury and was prejudiced thereby. Upon satisfactory showing of such ignorance and prejudice the employer shall receive allowance to the extent of such prejudice. Within one week after receipt by an employer of such notice of claim for compensation he shall report the substantial facts of such notice to the commissioner.

[Section 5384 was amended 1927, chapter 307, section 6, to read as follows:]

SEC. 5384. *Defective employees.*—Whenever any person having a contract of employment, or desiring to enter into a contract of employment, shall have any physical defect which imposes upon his employer, or prospective employer, a further or unusual hazard, it shall be permissible for such person to waive in writing for himself or his dependents, or both, any rights to compensation under the provisions of said chapter 284 for any personal injury arising out of and in the course of his employment, or death resulting therefrom, which may be found by the commissioner having jurisdiction to be attributable in a material degree to such physical defect. No such waiver shall become effective unless the defect in question shall be plainly described therein nor until the commissioner having jurisdiction shall find that the person signing such waiver fully understands the meaning thereof and, if such person shall be a minor, that one of the parents or a guardian of said minor shall have approved the same in writing, nor until such commissioner shall, in writing, approve thereof and furnish each of the parties thereto with a copy thereof. No such waiver shall be a bar to a claim by the person signing the same, or his dependents, for compensation for any injury arising out of and in the course of his employment, or death resulting therefrom, which injury shall not be found to be attributable in a material degree to the particular condition described therein. The rights and liabilities of the parties to such waiver as to injuries arising out of and in the course of the employment and within the terms of such waiver shall be such as are provided by law in the case of an employer having regularly less than five employees, who shall not have accepted the provisions of said chapter 284.

[Section 5388 (as last amended 1921, ch. 306, sec. 11) was amended by chapter 307, section 7, Acts of 1927, to read as follows:]

SEC. 5388. *Definitions.*—Terms in said chapter are defined as follows: "Commissioner" shall mean the compensation commissioner who has jurisdiction in the matter referred to in the context. "Commission" shall mean the five commissioners, or a majority of them, acting as a board. "Dependent" shall mean members of the injured employee's family or next of kin who were wholly or partly dependent upon the earnings of the employee at the time of the injury. "Employee" shall mean any person who has entered into or

works under any contract of service or apprenticeship with an employer, whether such contract contemplated the performance of duties within or without the State, and shall also include any salaried officer or paid member of any police department or fire department of any municipal corporation in the State, irrespective of the manner in which he is appointed or employed, which provision shall not be construed as affecting any existing rights as to pensions which such persons or their dependents may have at the time this act shall take effect, or as preventing any existing custom of paying the full salary of any such person during disability due to injury arising in the course of and out of his employment; but said term shall not be construed to include either (*a*) an outworker, (*b*) one whose employment is of a casual nature, and who is employed otherwise than for the purposes of the employer's trade or business or (*c*) a member of the employer's family dwelling in his house: *Provided*, If in any contract of insurance the wages or salary of a member of the employer's family dwelling in his house is included in the pay roll on which the premium is based then such person shall, in the event of his sustaining an injury arising out of and in the course of his employment, be deemed an employee and compensated accordingly. "Employer" shall mean any person, corporation, firm, partnership, voluntary association, joint-stock association, the State and any public corporation within the State using the services of another for pay; it shall include also the legal representatives of any such employer. "Outworker" shall mean any person to whom articles or material are given to be treated in any way on premises not under the control or management of the person who gave them out.

The words "personal injury" or "injury," as the same are used in said chapter 284, shall be construed to include only accidental injury which may be definitely located as to the time when and the place where the accident occurred, and occupational disease as herein defined. The words "occupational disease" shall mean a disease peculiar to the occupation in which the employee was engaged and due to causes in excess of the ordinary hazards of employment as such. The words "arising out of and in the course of his employment," as used in said chapter 284, shall mean an accidental injury happening to an employee or an occupational disease of such employee originating while he shall have been engaged in the line of his duty in the business or affairs of the employer upon the employer's premises, or while so engaged elsewhere upon the employer's business or affairs by the direction, express or implied, of the employer. A personal injury shall not be deemed to arise out of the employment unless causally traceable to the employment other than through weakened resistance or lowered vitality. In the case of an accidental injury, a disability or a death due to the acceleration or the aggravation of a venereal or syphilitic disease or to the habitual use of alcohol or narcotic drugs shall not be construed to be a compensable injury. In the case of aggravation of a preexisting disease, compensation shall be allowed only for such proportion of the disability or death due to the aggravation of such preexisting disease as may be reasonably attributed to the injury upon which the claim is based. Singular terms may be taken to include the plural and the plural the singular, and masculine terms to include males, females, and legal persons, as the natural interpretation of the context may require.

[The following supplemental laws were also enacted in 1927:]

CHAPTER 138, ACTS OF 1927.—*Commissioners—Powers after expiration of term*

Any compensation commissioner, after ceasing to hold office as such compensation commissioner, may settle and dispose of all matters relating to appealed cases, including correcting findings and certifying records, as well as any other unfinished matters pertaining to causes theretofore tried by him, to the same extent as if he were still such compensation commissioner.

[Chapter 185, Acts of 1927 (commissioners), amends section 2212, G. S. 1918 (as last amended 1925, ch. 202, sec. 5):]

Salaries.—To each compensation commissioner, $5,000 annually, and his necessary travel, clerical, and office expenses, as approved by the comptroller.

DELAWARE

[The compensation law of this State (R. C. ch. 90, art. 5 (Acts of 1917, ch. 233)) was amended by chapters 192 and 193, Acts of 1927. The changes are indicated below.

[3193 j, section 103, subsection (*c*) (as amended, 1919, ch. 203), was amended by chapter 192, Acts of 1927, by adding a new paragraph, to read as follows:]

Provided, however, That any compensation paid under subsections (*a*) and (*b*) of this section shall be commuted and taken from the last weeks of compensation provided for in this section, so that the total compensation paid under section (*c*) of this act, whether paid under sections (*a*) and (*b*) or under section (*c*) hereof, shall not exceed the total amount of the total period specifically set forth hereinabove in said subsection (*c*).

[A new section was added by chapter 192, Acts of 1927, to be known as 3193 v, section 115 A, to read as follows:]

3193 v, SEC. 115 A. *Limitation.*—Where payments of compensation have been made in any case under an agreement approved by the industrial accident board, or by an award of said board, no statute of limitation shall take effect until the expiration of two years from the time of the making of the last payment for which a proper receipt has been filed with the said board.

[3193 pp, section 135 (as amended, 1923, ch. 206), was repealed and reenacted by chapter 193, section 1, Acts of 1927, to read as follows:]

3193 pp, SEC. 135. *Employers.*—The following shall constitute employers subject to the provisions of this article: The State of Delaware, the county of New Castle, every corporation (private, public, municipal, or public quasi), every association, every firm, and every person (excepting the employers mentioned in 3192 vv [3193 vv], sec. 141, and 3193 ww, sec. 142 hereof) having in his, her, or its service any employee defined in 3193 qq, section 136, of this article. If the employer is insured, it shall include his, her, or its insurer, as far as practicable.

[3193 qq, section 136 (as amended, 1923, ch. 206), was repealed and reenacted by chapter 193, section 2, Acts of 1927, to read as follows:

3193 qq, SEC. 136. *Employees.*—The term "employee" as used in this article shall be construed to mean: Every person in the service of the State of Delaware, of the county of New Castle, or any corporation (private, public, municipal, or public quasi), of any association, of any firm, or of any person (excepting the employer mentioned in 3193 vv, sec. 141 and 3193 ww, sec. 142, hereof) under any contract of hire, expressed or implied, oral or written, or performing services for a valuable consideration, but not including any person whose employment is casual and not in the regular course of the trade, business, profession, or occupation of his employer, and not including persons to whom articles or materials are furnished or repaired, or adapted for sale in the workman's own home or on the premises not under the control or management of the employer.

[3193 vv, section 141 (as amended, 1923, ch. 206), was repealed and reenacted by chapter 193, section 3, Acts of 1927, to read as follows:]

3193 vv. SEC. 141. *Exemptions.*—This article shall not apply to the employer and employee in any employment in which less than five employees are engaged; nor to farm laborers and domestic servants[1] of the State or any governmental agency created by it, excepting officers and servants of the State of Delaware, and officers and servants of the county of New Castle, and officers and servants of the mayor and council of Wilmington, a municipal corporation of the State of Delaware, such officer and servant of the State of Delaware, and of the

[1] The amendment at this point dropped the words "or to the respective employers nor to officers and servants." This was apparently an unintentional omission. See 1929 legislation.

county of New Castle and the city of Wilmington having been [2] either elected or appointed for a term of office of fixed and definite duration, or to complete the unexpired portion of any such term. The election of the State of Delaware to be bound by the compensatory provisions of this article shall be made by and be under the control of the governor. Said election by the county of New Castle shall be made by and be under the control of the levy court of the said county and the said election by the mayor and council of Wilmington shall be by and be under the control of said mayor and council.

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[2] The amendment changed "neither" to "either" apparently unintentionally. See 1929 legislation.

DISTRICT OF COLUMBIA

ACTS OF SEVENTIETH CONGRESS, FIRST SESSION, 1928

(45 Stat. 600)

CHAPTER 612.—*Compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia*

SECTION 1. *Coverage.*—The provisions of the act entitled "Longshoremen's and harbor workers' compensation act," approved March 4, 1927,[1] including all amendments that may hereafter be made thereto, shall apply in respect to the injury or death of an employee of an employer carrying on any employment in the District of Columbia, irrespective of the place where the injury or death occurs; except that in applying such provisions the term "employer" shall be held to mean every person carrying on any employment in the District of Columbia, and the term "employee" shall be held to mean every employee of any such person.

SEC. 2. *Exceptions.*—This act shall not apply in respect to the injury or death of (1) a master or member of a crew of any vessel; (2) an employee of a common carrier by railroad when engaged in interstate or foreign commerce or commerce solely within the District of Columbia; (3) an employee subject to the provisions of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended; and (4) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, occupation, or profession of the employer.

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[1] For provisions of longshoremen's and harbor workers' compensation act see p. 200.

HAWAII

[Chapter 209, Revised Laws of 1925, was amended by act No. 207, Acts of 1927, by adding a new section, 3617 A, as follows:]

SEC. 3617 A. *Partial disability of minors.*—In cases of permanent partial disability of minors, the compensation shall not in any event be less than $5 per week.

IDAHO

[The compensation law (C. S. 1919, ch. 236) of the State was amended by chapters 106 and 181, Acts of 1927. The changes are indicated below.]

[Section 6215, public employment, was amended by chapter 106, section 1, Acts of 1927, so that coverage is extended to include public officials as well as public employees, "but not to include judges of election, clerks of election, or jurors."]

[Section 6216 (as amended 1921, ch. 220) (excluded employments), was amended by chapter 106, section 2, Acts of 1927, so that paragraph (6) shall read as follows:]

6. Members of the employer's family dwelling in his house, unless prior to the accident for which the claim is made, the employer had elected in writing filed with the board, that the provisions of the chapter shall apply. [Provision for termination for such coverage omitted.]

[Section 6224 (dependents), was amended by chapter 106, section 3, Acts of 1927. Dependency is determined as at the time of the "accident," and not at the time of the "injury" as hitherto provided.]

[Section 6225 (periods of compensation), was amended by chapter 106, section 4, Acts of 1927, by providing that "compensation payable to or for a child shall cease when such child marries."]

[Section 6231 (as amended 1921, ch. 217) (total disability), was amended by chapter 106, section 5, Acts of 1927, to read as follows:]

SEC. 6231. *Total disability.*—Where the injury causes total disability for work, the employer during such disability, but not including the first seven days thereof, which shall be known as the waiting period, shall pay the injured employee weekly compensation equal to 55 per cent of his average weekly wages, but not more than $12 nor less than $6 per week for a period not exceeding 400 weeks, and thereafter a weekly compensation of $6 a week.

If such employee have a wife, but no dependent minor child the employer shall pay to such injured employee weekly compensation equal to 60 per cent of his average weekly wages, but not more than $13.10, nor less than $6.55 per week for a period not exceeding 400 weeks, and thereafter a weekly compensation of $6 a week.

If the injured employee have a wife and a dependent minor child, or children or being a widower having any such dependent minor child, or children, the weekly payments in the preceding paragraph shall be increased by 5 per cent of the average weekly wage for each such child, but the total weekly compensation shall not exceed $16 per week, nor be less than $8 per week for a period not exceeding 400 weeks and thereafter a weekly compensation of $6 a week. If such total disability for work exceeds a period of four weeks the waiting period shall be reduced by four days and by one additional day for each week the total disability exceeds four weeks. In case the total disability begins after a period of partial disability, the period of partial disability shall be deducted from such total period of 400 weeks: *Provided, however*, That in no case shall the weekly compensation exceed the full amount of his average weekly wages. A divorced employee who contributes to the support of his minor child or children shall receive the same compensation under this section as if he were a widower.

[Section 6234 (as amended 1921, ch. 217) (schedule) was amended by chapter 106, section 6, Acts of 1927, limiting compensation to 99 per cent of the periods stated against such injuries.]

[Section 6234a was added by chapter 106, section 6, Acts of 1927, to read as follows:]

SEC. 6234a. *Creation of second injury or industrial special indemnity fund.*—There is hereby created a fund to be known as the industrial special indemnity fund, and which shall consist of payments made to it as in this section provided. The State treasurer shall be custodian of the industrial special indemnity

fund, and all disbursements therefrom shall be paid by him upon orders of the industrial accident board. Said orders to be under the seal of said industrial accident board, signed by the chairman and attested by the secretary of the board. The State treasurer shall give a separate and an additional bond in an amount which shall at all times be equal to the amount of said industrial special indemnity fund and with sureties approved by the governor, conditioned for the faithful performance of his duty as custodian of said industrial special indemnity fund. The State treasurer shall deposit any portion of said fund not needed for immediate use in the manner and subject to all the provisions of law respecting the depositing of State funds by him. Interest earned by such portion of the industrial special indemnity fund deposited by the State treasurer shall be collected by him and placed to the credit of the fund. In addition to the payments made to the injured employee by the employer, as provided in section 6234, the employer, in case of the injuries named in said section 6234, shall pay to the State treasurer, to be by him deposited into the industrial special indemnity fund, a lump sum without discount equal to 2 per cent of the weekly compensation provided by section 6234 for the full periods stated against such injuries in said section 6234; said sum to be paid to the State treasurer as soon as the total amount of the specific indemnity payable for the particular injury is determined by the industrial accident board.

[Section 6234b was added by chapter 106, section 6, Acts of 1927, to read as follows:]

SEC. 6234b. *Permanent total disability after permanent partial disability.*—If an employee who has previously incurred a partial permanent disability through the loss of one hand at or above the wrist, or one foot at or above the ankle, receives a personal injury by accident arising out of and in the course of his employment which results in the physical loss of a foot at or above the ankle, or a hand at or above the wrist, or having lost one eye, received such injury which results in the total and permanent loss of the sight of the other eye, the employer shall only be liable for the permanent partial disability caused by the subsequent injury: *Provided, however*, That in addition to compensation for permanent partial disability and after the cessation of payments for the period of weeks prescribed by section 6234 the disabled employee shall be paid by the industrial accident board out of the funds of the industrial special indemnity fund, the remainder of the compensation that would be due the injured employee for permanent total disability if the subsequent injury itself had been the cause of his permanent total disability, such payments to be made by the industrial accident board monthly by orders drawn on the State treasurer to be charged against the industrial special indemnity fund. All moneys which may come into said industrial special indemnity fund are hereby perpetually appropriated to the industrial accident board to be used by it for the purpose in this section stated. The industrial special indemnity fund shall be administered by the industrial accident board without liability on the part of the State or the industrial accident board beyond the amount of such fund.

[Section 6235 (hernia) was amended by chapter 106, section 7, Acts of 1927, to read as follows:]

SEC. 6235. *Hernia.*—In all cases of hernia resulting from injury by accident alleged to have been sustained in the course of and resulting from employee's employment, it must be proven:

1. That it was an injury by accident resulting in hernia.
2. That the hernia appeared suddenly and immediately following the accident.
3. That the hernia did not exist in any degree prior to the injury by accident for which compensation is claimed.
4. That the hernia was reported to the employer within 30 days after the accident.

[Section 6240 (lump sums) was amended by chapter 106, section 8, Acts of 1927, to read as follows:]

SEC. 6240. *Commutation of payments.*—Whenever the board determines that it is for the best interest of all parties, the liability of the employer for compensation may, on application to the board by any party interested, be discharged in whole or in part by the payment of one or more lump sums to be determined by or with the approval of the board.

Any such lump-sum payment shall not exceed the present value of all future payments of compensation computed at 4 per cent true discount compounded annually. In the case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed 100 weeks' compensation. The

board shall not commute any payments to a widow or widower except at her or his request.

[Section 6243 (notice and claim) was amended by chapter 106, section 9, Acts of 1927. Notice of claims must be made within a year after date of "accident" rather than of "injury" as hitherto.]

[Section 6270 (procedure) was amended by chapter 106, section 10, Acts of 1927, providing that "all appeals of matters arising under the workmen's compensation law shall, by the court to which taken, be disposed of before any civil causes or actions are considered.]

[Section 6278 (security of payments) was amended by chapter 106, section 11, acts of 1927, so as to read as follows:]

SEC. 6278. *Security for payment of compensation.*—Employers, but not including the State or the municipal bodies mentioned in section 6215, shall secure compensation to their employees in one of the following ways:

1. By insuring and keeping insured the payment of such compensation in the State insurance fund; or,

2. By depositing and maintaining with the industrial accident board security satisfactory to the board securing the payment by said employer of compensation according to the terms of this chapter. Such security may consist of a surety bond or guaranty contract with any company authorized to do surety or guaranty business in Idaho and having a sufficient deposit with the State treasurer upon which execution may lawfully be issued against said company on behalf of any workman secured under said bonds or contracts.

No company shall be permitted to write surety bonds or guaranty contracts covering the liability hereunder of employees of this State unless it shall have been authorized to do business under the laws of this State and until it shall have received the approval of the board. To the end that the workmen secured under this chapter by any such company shall be adequately protected the board is hereby authorized to make and change such reasonable regulations as they may deem necessary with reference to the capital stock, surplus, and reserves of such companies, and to require such companies, self-insuring employers and the State fund to deposit and maintain with the treasurer of the State money or bonds of the United States or of this State, or interest-paying bonds when they are at or above par, or any other State of the United States or the District of Columbia, or the bonds of any county or municipal corporation of this or any other State of the United States or the District of Columbia in an amount equal to the total amounts of all outstanding and unpaid compensation awards against such employer or such company or the State fund or against the employers insured by such company or the State fund. In lieu of such money or bonds the board may require such company, self-insuring employer or the State fund to file or maintain with the treasurer of the State a surety bond of some company or companies authorized to do business in this State for and in the amounts equaling the total unpaid compensation awards against such company, self-insurer or State fund.

The approval by the board of any such company may be withdrawn if it shall appear to the board that workmen secured therein under this chapter are not fully protected.

The said money or bonds or said surety bonds so deposited with the State treasurer shall be an exclusive trust for the benefit of the workmen of the employers insured by such company or State fund or such self-insurers, to remain with said treasurer in trust to answer any default of said self-insurer or of said company or State fund as surety upon any such obligation established by final judgment upon which execution may lawfully be issued against said self-insuring employer or company or State fund; such self-insurer or company or State fund, however, at all times shall have the right to collect the interest, dividends and profits upon such securities, and from time to time withdraw such securities or portion thereof, substituting therefor others of equally good character and value, to the satisfaction of the industrial accident board, and such securities shall not be sold under any process against such self-insurer or such company or State fund until after 40 days' notice to said self-insurer or company or State fund, supplying the date, place and manner of such sale, and the process under which and the purpose for which it is to be made, accompanied by a copy of such process. The State of Idaho shall be held responsible for the safety of all deposits made under the provisions of this section. Such self-insurer or company or State fund shall not be permitted to withdraw from the State treasurer such deposits of money or bonds or permit said surety bonds to lapse for a period of one year after discontinuing business within this State,

or while any suit is pending or any judgment against said company in this State shall remain unpaid.

The board is also authorized to make and change such rules and regulations as they shall deem necessary to secure the prompt payment of compensation awards under this chapter, and shall withdraw their approval of any company, whenever it appears that such company unnecessarily delays the payment of such awards.

[Section 6279 (notice of security) was amended by chapter 106, section 12, Acts of 1927. Notice of security must be filed with the "industrial accident board" instead of the "department of commerce and industry" as hitherto.]

[Section 6280 (posting of notice), was amended by chapter 106, section 13, Acts of 1927. Providing that "failure to show and keep such notice conspicuously displayed shall be a misdemeanor punishable by a fine of not more than $25 and costs for any action brought in the enforcement of this law."]

[Section 6281 (effect of failure to secure compensation), was amended by chapter 106, section 14, Acts of 1927, so as to read as follows:]

SEC. 6281. *Effect of failure to secure compensation.*—If an employer subject to the provisions of this chapter fails to comply with the provisions of section 6278, he shall be guilty of a misdemeanor and shall also be liable to a penalty for every day during which such failure continues of $1 for each employee, to be recovered in an action brought by the industrial accident board in the name of the State of Idaho, and the amount so collected shall be paid into the industrial administration fund, and for this purpose the district court of any county in which such employer carries on any part of his trade or occupation shall have jurisdiction.

Furthermore, if any employer shall be in default under section 6278 for a period of 30 days, he may be enjoined, by the district court of any county in which such employer carries on any part of his trade or occupation, from carrying on his business while such default continues. All proceedings in the courts under this section are to be brought by the industrial accident board in the name of the State of Idaho.

[Section 6281a (as amended 1921, chapter 217, section 17), was repealed by chapter 106, section 15, Acts of 1927.]

[Section 6281b (as amended 1921, chapter 217, section 18), was repealed by chapter 106, section 16, Acts of 1927.]

[Section 6285 (cancellation of surety contracts), was amended by chapter 106, section 17, Acts of 1927, to read as follows:]

SEC. 6285. *Cancellation of surety contracts.*—No policy of insurance or guaranty contract or surety bond issued against liability arising under this chapter shall be canceled within the time limited in such contract for its expiration until at least 10 days after notice of cancellation of such contract, on a date specified in such notice, shall have been filed with the industrial accident board, and also served on the employer either personally or by registered mail.

[Section 6301 (classification) was amended by chapter 106, section 18, Acts of 1927, by adding after the word "risk" in the last line the following: "but in no case shall any salary or wage be considered in excess of $2,400 per year."]

[Section 6321 (as amended 1921, chapter 217, section 22) (workman) was amended by chapter 106, section 19, Acts of 1927, so that the term "workman" does not include any person engaged in any of the excepted employments enumerated in section 6216 "unless an election as provided in said section has been filed."

[Section 6323 (injury) was amended by chapter 106, section 20, Acts of 1927, so as to read as follows:]

SEC. 6323. *Injury—Accident.*—"Injury" or "personal injury" includes death resulting from injury within two years after the accident, but is not to be construed as being synonomous with accident. An "injury" or "personal injury" to be compensable must be the result of an accident.

[Section 6330 (number and sex) was amended by chapter 106, section 21, Acts of 1927, so as to read as follows:]

SEC. 6330. *Number and gender.*—Any terms shall include the singular and plural and both sexes where the context so requires, and the term "husband," or "wife," shall include spouse.

SUPPLEMENTAL ACT

[Section 6259 was amended by chapter 181, Acts of 1927, so as now to charge 5 cents for each carbon copy of evidence taken at any hearing.]

ILLINOIS

[The compensation law of this State (Acts of 1913, p. 335) was amended in sections 3, 5, 7, 8, 12, 14, 16, 19, 24, 26, and 30, by Acts of 1927, p. 497. The changes are indicated below.]

[Section 3 was amended in subparagraph 3, by extending the compulsory coverage of the act to include more than two employees engaged in the carriage and distribution of commodities, instead of three employees as formerly. Also two new subparagraphs were added, 9 and 10, to read as follows:]

9. Any enterprise, business, or work in connection with the laying out or improvement of subdivisions of tracts of land.

10. Any enterprise for the treatment of cross-ties, switch-ties, telegraph poles, timber, or other wood with creosote or other preservatives.

[Section 5 (as amended 1925, p. 378) was amended to read as follows:]

SEC. 5. *Employee defined.*—The term "employee" as used in this act, shall be construed to mean:

First. Every person in the service of the State, county, city, town, township, incorporated village, or school district, body politic, or municipal corporation therein, under appointment or contract of hire, expressed or implied, oral or written, except any official of the State, or of any county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein and except any duly appointed member of the fire department in any city whose population exceeds 200,000 according to the last Federal or State census, and except any member of a fire insurance patrol maintained by a board of underwriters in this State: *Provided*, That any such employee, his personal representative, widow, children, beneficiaries, or heirs, who is, are, or shall be entitled to receive a pension or benefit for or on account of disability or death arising out of or in the course of his employment from a pension or benefit fund to which the State or any county, town, township, incorporated village, school district, body politic, underwriters' fire patrol, or municipal corporation therein is a contributor, in whole or in part, shall be entitled to receive only such part of such pension or benefit as is in excess of the amount of compensation recovered and received by such employee, his personal representative, widow, children, beneficiaries, or heirs under this act: *And provided further*, That one employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein, through its representatives, shall not be considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic, or municipal corporation which made the contract.

Second. Every person in the service of another under any contract of hire, express or implied, oral or written, including persons whose employment is outside of the State of Illinois where the contract of hire is made within the State of Illinois, and including aliens and minors who, for the purpose of this act, shall be considered the same and have the same power to contract, receive payments, and give quittances therefor, as adult employees, but not including any person who is not engaged in the usual course of the trade, business, profession, or occupation of his employer; *Provided*, That employees shall not be included within the provisions of this act when excluded by the laws of the United States relating to liability of employers to their employees for personal injuries where such laws are held to be exclusive.

[Section 7 (as amended 1925, p. 378) was amended. The subsections amended now read as follows:]

SEC. 7. *Compensation for death.*—The amount of compensation which shall be paid for an injury to the employee resulting in death shall be:

(*a*) If the employee leaves any widow, child, or children whom he was under legal obligations to support at the time of his injury, a sum equal to four times the average annual earnings of the employee, but not less in any event than $1,650 and not more in any event than $3,750: *Provided*, That when an award

has been made under this paragraph, where the deceased left at the time of his death a widow and one child under 16 years of age him surviving, the compensation payments and death benefits to the extent the same were increased because of the existence of said child, in so far as same have not been paid, shall cease and become extinguished when said child arrives at the age of 18 years, if said child is physically and mentally competent at that time.

Any right to receive compensation hereunder shall be extinguished by the remarriage of a widow, if the deceased did not leave him surviving any child or children whom he was under legal obligations to support at the time of said injury.

Any compensation payments other than necessary medical, surgical, or hospital fees or services shall be deducted in ascertaining the amount payable on death.

[(*b*) and (*c*). No change.]

(*d*) If no amount is payable under paragraphs (*a*), (*b*), or (*c*) of this section and the employee leaves collateral heirs dependent at the time of the injury to the employee upon his earnings, such a percentage of the sum provided in paragraph (*a*) of this section as the average annual contributions which the deceased made to the support of such dependent collateral heirs during the two years preceding the injury bears to his average annual earnings during such two years: *Provided*, That if the amount paid to such collateral heirs dependent at the time of the death be less than $450, the employer shall pay the difference between the amount so paid to collateral heirs and the sum of $450 into a special fund of which the State treasurer shall be the custodian. Such special fund shall be paid and disbursed for the purposes hereinafter stated in paragraph (*f*) of section 8, either upon the order of the industrial commission or of a court of competent jurisdiction. Any compensation payments other than necessary medical, surgical, or hospital fees or services shall be deducted in ascertaining the amounts payable on death.

(*e*) If no amount is payable under paragraphs (*a*), (*b*), (*c*), or (*d*) of this section, a sum not to exceed $150 for burial expenses to be paid by the employer to the undertaker or to the person or persons incurring the expense of burial, and the further sum of $300, which shall be paid within 60 days into a special fund, of which the State treasurer shall be ex officio custodian, such special fund to be held and disbursed for the purposes hereinafter stated in paragraph (*f*) of section 8, either upon the order of the industrial commission or of a competent court. Said special fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every six months. It shall be subject to audit the same as State funds and accounts and shall be protected by the general bond given by the State treasurer. It shall be considered always appropriated for the purposes of disbursement as provided in section 8, paragraph (*f*) of this act and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose: *Provided*, That whenever any sum is paid into the said fund and subsequently it develops that compensation is payable under paragraphs (*a*), (*b*), (*c*), or (*d*) of this section, the industrial commission shall order the refund of any sum paid into the said fund, and the State treasurer as custodian of said fund shall immediately refund the sum paid to him in accordance with the order of the industrial commission upon receipt by him of a certified copy of said order.

The industrial commission shall, within 10 days after the rendition of any award providing for payments into said special fund provided for in paragraph (*e*) of this section, mail a certified copy thereof to the State treasurer. If said award be not paid within 30 days after the date said award has become final, the State treasurer shall proceed to take judgment thereon in his own name as ex officio custodian of said fund as is provided for other awards by paragraph (*g*) of section 19 of this act and take the necessary steps to collect said award. The industrial commission shall immediately, upon learning of any death because of which payments into said fund may become due under paragraphs (*d*) and (*e*) of this section, notify the State treasurer thereof and the State treasurer, if payments be not made into said fund within 60 days following said death on account of which it may be due, shall within 60 days after the receipt of said notice institute proceedings in his own name before the industrial commission for the collection thereof, and in said proceedings the industrial commission may order the burial fund provided for in this act paid to the person, corporation, or organization who has paid or

become liable for the payment of same. In all such proceedings so instituted by the State treasurer it shall not be a defense that notice of the accidental injury was not given the employer within 30 days or that the demand for payment was not made within six months or that written claim for compensation was not filed with the industrial commission within one year. Any person, corporation, or organization who has paid or become liable for the payment of burial expenses of said deceased employee may in his or its own name institute proceedings before the industrial commission for the collection thereof: *Provided further*, That at no time shall there be paid into said special fund on account of any one death a sum to exceed $300.

[(*f*) and (*g*). No change.]

(*h*) 1. Whenever in paragraph (*a*) of this section a minimum of $1,650 is provided, such minimum shall be increased in the following cases to the following amounts:

Two thousand one hundred fifty dollars in case of one child under the age of 16 years at the time of the death of the employee.

Two thousand two hundred fifty dollars in case of two children under the age of 16 years at the time of the death of the employee.

Two thousand three hundred fifty dollars in case of three or more children under the age of 16 years at the time of the death of the employee.

2. Whenever four times the average annual earnings of the deceased employee as provided in paragraph (*a*) of this section amounts to more than $1,650 and to less than $3,750, the amount so payable under said paragraph shall be increased as follows:

In case such employee left surviving him one child under the age of 16 years, the amount so payable shall be increased $350.

In case such employee left surviving him two or more children under the age of 16 years, the amount so payable shall be increased $450.

3. Whenever in paragraph (*a*) of this section a maximum of $3,750 is provided, such maximum shall be increased in the following cases to the following amounts:

Four thousand two hundred dollars in case of one child under the age of 16 years at the time of the death of the employee.

Four thousand four hundred fifty dollars in case of two children under the age of 16 years at the time of the death of the employee.

Four thousand five hundred fifty dollars in case of three or more children under the age of 16 years at the time of the death of the employee.

(*i*) *Minor illegally employed.*—In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (*a*), (*b*), (*c*), (*d*), and (*e*) of this section shall be increased 50 per centum: *Provided, however*, That nothing herein contained shall be construed to repeal or amend the provisions of an act concerning child labor, approved June 26, 1917, as subsequently amended relating to the employment of minors under the age of 16 years.

[Sec. 8 (as amended 1925, p. 378) was amended. The subsections amended in 1927 now read as follows:]

SEC. 8. *Nonfatal injuries.*—The amount of compensation which shall be paid to the employee for an injury not resulting in death shall be:

(*a*) The employer shall provide the necessary first-aid medical and surgical services, and all necessary medical, surgical, and hospital services thereafter, limited, however, to that which is reasonably required to cure or relieve from the effects of the injury. The employee may elect to secure his own physician, surgeon, and hospital services at his own expense. Any injury resulting in the amputation of an arm, hand, leg, or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the employer shall furnish an artificial of any such member lost in accidental injury arising out of and in the course of the employment, and shall also furnish the necessary braces in all proper and necessary cases: *Provided*, The furnishing by the employer of any such services or appliances shall not be construed to admit liability on the part of the employer to pay compensation, and the furnishing of any such services or appliances by the employer shall not be construed as the payment of compensation.

[(*b*), (*c*), (*d*), and (*d*–1). No. change.]

(*e*) *Schedule—Permanent partial disabilities.*—For injuries in the following schedule, the employee shall receive in addition to compensation during the period of temporary total incapacity for work resulting from such injury, in accordance with the provisions of paragraphs (*a*) and (*b*) of this section, compensation, for a further period, subject to the limitations as to

time and amounts fixed in paragraphs (*b*) and (*h*) of this section for the specific loss herein mentioned, as follows, but shall not receive any compensation for such injuries under any other provisions of this act.

1. For the loss of a thumb, or the permanent and complete loss of its use, 50 per cent of the average weekly wage during 70 weeks.

2. For the loss of a first finger, commonly called the index finger, or the permanent and complete loss of its use, 50 per cent of the average weekly wage during 40 weeks.

3. For the loss of a second finger, or the permanent and complete loss of its use, 50 per cent of the average weekly wage during 35 weeks.

4. For the loss of a third finger, or the permanent and complete loss of its use, 50 per cent of the average weekly wage during 25 weeks.

5. For the loss of a fourth finger, commonly called the little finger, or the permanent and complete loss of its use, 50 per cent of the average weekly wage during 20 weeks.

6. The loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of one-half of such thumb or finger and compensation shall be one-half the amounts above specified.

7. The loss of more than one phalange shall be considered as the loss of the entire finger or thumb; *Provided, however*, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

8. For the loss of a great toe, 50 per cent of the average weekly wage during 35 weeks.

9. For the loss of each toe other than the great toe, 50 per cent of the average weekly wage during 12 weeks.

10. The loss of the first phalange of any toe shall be considered to be the equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.

11. The loss of more than one phalange shall be considered as the loss of the entire toe.

12. For the loss of a hand or the permanent and complete loss of its use, 50 per cent of the average weekly wage during 170 weeks.

13. For the loss of an arm or the permanent and complete loss of its use, 50 per cent of the average weekly wage during 225 weeks.

14. For the loss of a foot or the permanent and complete loss of its use, 50 per cent of the average weekly wage during 135 weeks.

15. For the loss of a leg or the permanent and complete loss of its use, 50 per cent of the average weekly wage during 190 weeks.

16. For the loss of the sight of an eye or for the permanent and complete loss of its use, 50 per cent of the average weekly wage during 120 weeks.

17. For the permanent partial loss of use of a member or sight of an eye, 50 per cent of the average weekly wage during that portion of the number of weeks in the foregoing schedule provided for the loss of such member or sight of an eye which the partial loss of use thereof bears to the total loss of use of such member or sight of eye.

17½. In computing the compensation to be paid to any employee who, before the accident for which he claims compensation, had before that time sustained an injury resulting in the loss by amputation or partial loss by amputation of any member, including hand, arm, thumb or fingers, leg, foot, or any toes, such loss or partial loss of any such member shall be deducted from any award made for the subsequent injury, and for the permanent total loss of use or the permanent partial loss of use of any such member for which compensation has been paid, then such loss shall be taken into consideration and deducted from any award for the subsequent injury.

18. The loss of both hands, or both arms, or both feet or both legs, or both eyes, or of any two thereof, suffered in one accident, or the permanent and complete loss of use thereof, suffered in one accident shall constitute total and permanent disability, to be compensated according to the compensation fixed by paragraph (*f*) of this section: *Provided*, That these specific cases of total and permanent disability shall not be construed as excluding other cases: *Provided further*, That any employee who has in a previous and independent accident suffered the loss or permanent and complete loss of the use of any one of said members, and in a subsequent independent accident loses another or suffers the permanent and complete loss of the use of any one of said members, the employer for whom the injured employee is working at the time of said last independent

accident shall be liable to pay compensation only for the loss or permanent and complete loss of the use of the member occasioned by said last independent accident.

(*f*) In case of complete disability, which renders the employee wholly and permanently incapable of work, compensation equal to 50 per cent of his earnings but not less than $7.50 nor more than $14 per week, commencing on the day after the injury and continuing until the amount paid equals the amount which would have been payable as a death benefit under paragraph (*a*), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving as provided in said paragraph (*a*), section 7, and thereafter a pension during life annually equal to 8 per cent of the amount which would have been payable as a death benefit under paragraph (*a*), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (*a*), section 7. Such pension shall not be less than $10 per month and shall be payable monthly: *Provided*, Any employee who receives an award under this paragraph and afterwards returns to work, or is able to do so, and who earns or is able to earn as much as before the injury, payments under such award shall cease; if such employee returns to work or is able to do so and earns or is able to earn part but not as much as before the injury, such award shall be modified so as to conform to an award under paragraph (*d*) of this section: *Provided, further*, That disability as enumerated in subdivision 18, paragraph (*e*) of this section shall be considered complete disability. If an employee who had previously incurred loss or the permanent and complete loss of use of one member through the loss or the permanent and complete loss of the use of one hand, one arm, one foot, one leg, or one eye incurs permanent and complete disability through the loss or the permanent and complete loss of the use of another member, he shall receive, in addition to the compensation payable by the employer and after such payments have ceased, an amount from the special fund provided for in paragraph (*e*) of section 7, which, together with the compensation payable from the employer in whose employ he was when the last injury was incurred, will equal the amount payable for permanent and complete disability as provided in this paragraph of this section.

In its award the commission or the arbitrator shall specifically find the amount the injured employee shall be weekly paid, the number of weeks' compensation which shall be paid by the employer, the date upon which payments shall begin out of the fund provided for in paragraphs (*d*) and (*e*) of section 7 of this act, the length of time said weekly payments shall continue, the date upon which the pension payments shall commence, and the monthly amount of said payments. A certified copy of said award and the judgment of any court of competent jurisdiction affirming same shall be, by the industrial commission, sent to the State treasurer by registered mail. It shall be the duty of said State treasurer, 30 days after the date upon which payments out of said fund shall be commenced as provided in said award, and every month thereafter, to mail to the said injured employee direct, or, at the option of said treasurer, to some bank in the county in which he resides for delivery to him a check or draft payable out of said special fund, for all compensation accrued to that date at the rate fixed in said award. Said check or draft on the back thereof shall designate the style and docket number of the cause and the period of time for which it pays, and shall be accompanied by a duplicate receipt, on a form to be supplied by the industrial commission, which receipt shall be executed in duplicate by the injured employee and returned to the treasurer, who shall retain one thereof and shall mail one to the said industrial commission. Said draft, check, or receipts shall be a full and complete acquittance to the said State treasurer for the payment out of said fund, and no other appropriation or warrant except the certified copy of said award and judgment of said court shall be necessary to warrant payment out of said fund. The said fund shall be always considered as appropriated for the purpose of making payments according to the terms of said awards.

(*g*) [No change.]

(*h*) In no event shall the compensation to be paid exceed 50 per cent of the average weekly wage, or exceed $14 per week in amount; nor, except in case of complete disability, as defined above, shall any payments extend over a period of more than eight years from the date of the accident. In case an injured employee shall be mentally incompetent at the time when any right or privilege accrues to him under the provisions of this act, a conservator or guardian may be appointed pursuant to law, and may, on behalf of such

mentally incompetent, claim and exercise any such right or privilege with the same force and effect as if the employee himself had been mentally competent and had claimed or exercised said right or privilege; and no limitations of time by this act provided shall run so long as said mentally incompetent employee is without a conservator or a guardian.

(*i*) and (*j*) [No change.]

(*k*) In case the injured employee is under 16 years of age at the time of the injury and is illegally employed, the amount of compensation payable under paragraphs (*b*), (*c*), (*d*), (*e*), and (*f*) of this section shall be increased 50 per cent: *Provided, however,* That nothing herein contained shall be construed to repeal or amend the provisions of an act concerning child labor, approved June 26, 1917, as subsequently amended relating to the employment of minors under the age of 16 years.

[Section 12 was amended to read as follows:]

SEC. 12. *Medical examination.*—An employee entitled to receive disability payments shall be required, if requested by the employer, to submit himself, at the expense of the employer, for examination to a duly qualified medical practitioner or surgeon selected by the employer, at any time and place reasonably convenient for the employee, for the purpose of determining the nature, extent, and probable duration of the injury received by the employee, and for the purpose of ascertaining the amount of compensation which may be due the employee from time to time for disability according to the provisions of this act: *Provided,* An employer requesting such an examination shall pay in advance of the time fixed for the examination sufficient money to defray the necessary expense of travel by the most convenient means to and from the place of examination, and the cost of meals necessary during the trip, and if the examination or travel to and from the place of examination causes any loss of working time on the part of the employee, the employer shall reimburse him for such loss of wages upon the basis of his average daily wage: *Provided, however,* That such examination shall be made in the presence of a duly qualified medical practitioner or surgeon provided and paid for by the employee, if such employee so desires: *Provided further,* That such examination shall not be made on the day of the hearing. In all cases where the examination is made by a surgeon engaged by the employer, and the injured employee has no surgeon present at such examination, it shall be the duty of the surgeon making the examination at the instance of the employer, upon request of the employee to deliver to the injured employee, or his representative, a statement in writing of the condition and extent of the injury to the same extent that said surgeon reports to the employer and the same shall be an exact copy of that furnished to the employer, said copy to be furnished the employee, or his representative, at least five days before the day the case is set for hearing. Such delivery shall be made in person either to the employee or his representative, or by registered mail to either, and the receipt of either shall be proof of such delivery. If such surgeon refuses or willfully fails to furnish the employee such statement to the same extent as that furnished the employer, said surgeon shall not be permitted to testify at the hearing next following said examination. If the employee refuses so to submit himself to examination or unnecessarily obstructs the same, his right to compensation payments shall be temporarily suspended until such examination shall have taken place, and no compensation shall be payable under this act for such period. It shall be the duty of surgeons treating an injured employee who is likely to die, and treating him at the instance of the employer, to have called in another surgeon to be designated and paid for by either the injured employee or by the person or persons who would become his beneficiary or beneficiaries, to make an examination before the death of such injured employee.

[Section 14 (industrial board) was amended by requiring the commission to appoint an assistant secretary and a security supervisor at a salary of $4,000 a year each, and the salary of arbitrators is increased from $4,200 to $5,000 a year.

[Section 16 (same) (as amended 1925, p. 378) was amended so that detailed provision is made for taking deposition of witnesses residing in a foreign country; also the fee for a copy of a transcript of testimony taken before the board or arbitrator is increased from 6 to 8 cents per 100 words.

[Section 19 (arbitration) (as amended 1925, p. 378) was amended by providing that an argument before a majority of the commission may be had upon written demand filed at least five days before the date of hearing, instead of

within five days before commencement of the taking of testimony as hitherto provided.

[Section 24 (notice; claim) (as amended 1919, p. 538; 1921, p. 446; 1925, p. 378) was amended so that in the case of claimant's mental incapacity, the limitation of time does not begin to run until the appointment of a conservator or guardian.

[Section 26 (as amended 1919, p. 538) was amended to read as follows:]

SEC. 26. *Security.*—(*a*) Any employer who shall come within the provisions of section 3 of this act, and any other employer who shall elect to provide and pay the compensation provided for in this act shall:

(1) File with the commission a sworn statement showing his financial ability to pay the compensation provided for in this act, the affidavit to which statement shall be signed and sworn to by the president or vice president and secretary or assistant secretary of said employer if it be a corporation, or by all of the partners if it be a copartnership, or by the owner if it be neither a copartnership nor a corporation, or

(2) Furnish security, indemnity, or a bond guaranteeing the payment by the employer of the compensation provided for in this act, or

(3) Insure to a reasonable amount his liability to pay such compensation in some corporation or organization authorized, licensed, or permitted to do such insurance business in this State, or

(4) Make some other provision, satisfactory to the industrial commission, for the securing of the payment of compensation provided for in this act, and

(5) Upon becoming subject to this act and thereafter as often as the commission may in writing demand, file with the commission in form prescribed by it evidence of his compliance with the provisions of this paragraph.

(*b*) The sworn statement of financial ability, or security, indemnity or bond, or amount of insurance, or other provisions, filed, furnished, carried, or made by the employer, as the case may be, shall be subject to the approval of the commission, upon the approval of which the commission shall send to the employer written notice of its approval thereof. The filing with the commission of evidence of compliance with paragraph (*a*) of this section as therein provided shall constitute such compliance until 10 days after written notice to the employer of the disapproval by the commission.

(*c*) Whenever the industrial commission shall find that any corporation, company, association, aggregation of individuals, reciprocal or interinsurers' exchange, or other insurer affecting workmen's compensation insurance in this State shall be insolvent, financially unsound, or unable to fully meet all payments and liabilities assumed or to be assumed for compensation insurance in this State, or shall practice a policy of delay or unfairness toward employees in the adjustment, settlement, or payment of benefits due such employees, the said industrial commission may after reasonable notice and hearing order and direct that such corporation, company, association, aggregation of individuals, reciprocal or interinsurer exchange, or insurer, shall from and after a date fixed in such order discontinue the writing of any such workmens' compensation insurance in this State. Subject to such modification of said order as the commission may later make on review of said order, as herein provided, it shall thereupon be unlawful for any such corporation, company, association, aggregation of individuals, reciprocal or interinsurers' exchange, or insurer to effect any workmen's compensation insurance in this State. All orders made by the industrial commission under this section shall be subject to review by the courts, said review to be taken in the same manner and within the same time as provided by section 19 of this act for review of awards and decisions of the industrial commission, upon the party seeking said review filing with the clerk of the court to which said review is taken a bond in an amount to be fixed and approved by the judge of the court to which said review is taken, conditioned upon the payment of all compensation awarded against said person taking said review pending a decision thereof: *Provided*, That upon said review the circuit court shall have power to review all questions of fact as well as of law: *Provided*, That the penalty hereinafter provided for in this section shall not attach and shall not begin to run until the final determination of the order of the commission.

(*d*) The failure or neglect of an employer to comply with any of the provisions of paragraph (*a*) of this section shall be deemed a misdemeanor punishable by a fine of not less than $100 nor more than $500 for each day of such refusal or neglect until the same ceases. Each day of such refusal or neglect shall constitute a separate offense.

In all prosecutions under this section the venue may be in any county wherein said employer or insurance carrier has property or maintains a principal office. Upon the failure or refusal of any employer or insurance carrier to comply with the orders of the industrial commission under this section, or the order of the court on review after final adjudication, it shall be the duty of the industrial commission to immediately report said failure or refusal to the State's attorney of any county wherein said employer or insurance carrier has its property or maintains a principal office and it shall be the duty of said State's attorney, within 30 days after receipt of said notice, to institute prosecutions and promptly prosecute all reported violations of this section.

[Section 30 (reports of accidents) was amended so that the employer is now required to report only injuries arising out of and in the course of employment, instead of those arising out of or in the course of employment, as heretofore.]

INDIANA

[The compensation law of this State (Acts of 1915, ch. 106) was amended only by chapter 34, Acts of 1927. The change is noted below.

[Section 40, was repealed and reenacted by chapter 34, Acts of 1927, to read as follows:]

SEC. 40. *Basic wages.*—In computing compensation under the workmen's compensation act the average weekly wages of an employee shall be considered not to be more than $30 nor less than $16: *Provided*, That the weekly compensation payable shall in no case exceed the average weekly wage of the employee at the time of the injury: *And provided further*, That the maximum compensation which shall be paid for any injury, under any provision of the act or under any combination of its provisions shall not exceed $5,000 in any case.

IOWA

[The compensation law of this State was amended by chapter 32, Acts of 1927. The changes are indicated below.

[Section 1403 (payment to spouse) of the Iowa code, 1924, was amended by chapter 32, Acts of 1927, by striking out the period following the word "section" at the end of line 4, and inserting a semicolon and adding the following:]

"*Provided*, That where a deceased employee leave a surviving spouse and a child or children under 16 years of age, or over said age if physically or mentally incapacitated from earning, the industrial commissioner may make an order of record for an equitable apportionment of the compensation payments."

KANSAS

[The compensation law of this State was amended and reenacted by chapter 232, Acts of 1927. The law now is as follows:]

SECTION 1. *Compensation, payable, when.*—If in any employment to which this act applies, personal injury by accident arising out of and in the course of employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation to the workman in accordance with the provisions of this act. Save as herein provided no such employer shall be liable for any injury for which compensation is recoverable under this act: *Provided*, That (*a*) the employer shall not be liable under this act in respect of any injury which does not disable the workman for a period of at least one week from earning full wages at the work at which he is employed; (*b*) if it is proved that the injury to the workman results from his deliberate intention to cause such injury, or from his willful failure to use a guard or protection against accident required pursuant to any statute and provided for him, or a reasonable and proper guard and protection voluntarily furnished him by said employer, or solely from his intoxication, any compensation in respect to that injury shall be disallowed.

SEC. 2. *Fines, etc.*—Nothing in this act shall affect the liability of the employer or employee to a fine or penalty under any other statute.

SEC. 3. *Contractors.*—(*a*) Where any person (in this section referred to as principal) undertakes to execute any work which is a part of his trade or business or which he has contracted to perform and contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of the work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this act which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then in the application of this act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed. (*b*) Where the principal is liable to pay compensation under this section, he shall be entitled to indemnity from any person who would have been liable to pay compensation to the workman independently of this section, and shall have a cause of action therefor. (*c*) Nothing in this section shall be construed as preventing a workman from recovering compensation under this act from the contractor instead of the principal. (*d*) This section shall not apply to any case where the accident occurred elsewhere than on, in, or about the premises on which the principal has undertaken to execute work or which are otherwise under his control or management, or on, in, or about the execution of such work under his control or management. (*e*) A principal contractor, when sued by a workman of a subcontractor, shall have the right to implead the subcontractor. (*f*) The principal contractor who pays compensation to a workman of a subcontractor shall have the right to recover over against the subcontractor.

SEC. 4. *Injuries by third parties.*—When the injury or death for which compensation is payable under this act was caused under circumstances creating a legal liability against some person other than the employer to pay damage, the injured workman or his personal representative shall within 90 days of the date of receiving said injury elect whether to take compensation under his act or to pursue his remedy against such other person. Such election must be in writing and must be delivered to the employer in person or by registered mail, and the acceptance of compensation by an injured workman shall be construed as a positive election to accept compensation under this section. Failure on the part of the injured employee or his personal representative to file a written election with the employer within 90 days that he will pursue his remedy against the negligent third party shall operate as an election

to accept compensation and as an assignment of any cause of action in tort which the employee or his personal representative may have against any other party for such injury or death, and such employer may enforce in his own name, or the name of the workman, the liability of such other party for their benefit as their interests may appear.

SEC. 5. *Scope of law.*—That this act shall apply only to employment in the course of the employer's trade or business in the following hazardous employments: Railway, motor transportation line, factory, mine or quarry, electric, building or engineering work, laundry, natural gas plant, county and municipal work, and all employments wherein a process requiring the use of any dangerous explosive or inflammable materials is carried on, each of which employments are hereby determined to be especially dangerous, in which from the nature, conditions or means of prosecution of the work therein, extraordinary risk to the life and limb of the workmen engaged therein are inherent, necessary, or substantially unavoidable, and as to each of which employments it is deemed necessary to establish a new system of compensation for injuries to workmen. This act shall not apply in any case where the accident occurred before this act takes effect, and all rights which have accrued, by reason of any such accident, at the time of the publication of this act, and the remedies now existing therefor, shall be saved, and the court shall have the same power as to them as if this act had not been enacted. Agricultural pursuits and employments incident thereto are hereby declared to be nonhazardous and exempt from the provision of this act: *Provided*, That employers whose work, trade, or business is not such as described and included in this section of this act, and employers commencing or renewing in this State any work, trade, or business, may elect to come within the provisions of this act by filing with the commission a written statement of election to accept thereunder and such election shall be effective when so filed, and such election shall continue in effect unless and until such employer thereafter desiring to change his election shall do so by filing a written declaration thereof with the commission, and the employee of any such employer so filing such election shall be included herein unless such employee elects not to come within this act as provided by section 51 of this act, and if the employee of such employer elects not to come within the provisions of this act, as herein provided, such election shall continue in effect unless and until such employee thereafter desiring to change his election shall do so by filing a written declaration thereof with the commission.

SEC. 6. *Interstate commerce.*—This act shall not be construed to apply to business or employment which, according to law, are so engaged in interstate commerce as to be not subject to the legislative power of the State, nor to persons injured while they are so engaged: *And provided*, That this act shall apply also to injuries sustained outside the State where the contract of employment was made within the State, unless such contract otherwise specifically provides.

SEC. 7. *Small employers.*—It is hereby determined that the necessity for this law and the reason for its enactment exists only with regard to employers who employ a considerable number of persons. This act, therefore, shall only apply to employers by whom five or more workmen have been employed within the State of Kansas continuously for more than one month at the time of the accident. *Provided, however*, That employers having less than five workmen may elect to come within the provisions of this act, in which case his employees shall be included herein, as hereinafter provided: *And provided further*, That this act shall apply to mines and building work without regard to the number of workmen employed or the period of time employed.

SEC. 8. *Definitions.*—In this act, unless the context otherwise requires: (*a*) "Railway" includes street railways and interurbans; and "employment on railways" includes work in depots, power houses, roundhouses, machine shops, yards, and upon the right of way, and in the operation of its engines, cars, and trains, and to employees of express companies while running on railroad trains, except as provided in section 44–506 of Revised Statutes of 1923. (*b*) "Factory" means any premises wherein power is used in manufacturing, making, altering, adapting, ornamenting, finishing, repairing, or renovating any article or articles for the purpose of trade or gain of the business carried on therein, including expressly any brick yard, meat-packing house, foundry, smelter, oil refinery, lime-burning plant, steam-heating plant, electric-lighting plant, electric-power plant, and water-power plant, grain elevator, powder plant, blast furnace, paper mill, printing plant, flour mill, glass factory, beet-sugar factory, cement

plant, artificial gas plant, machine or repair shop, salt plant, and chemical manufacturing plant. (*c*) "Mine" means any opening in the earth for the purpose of extracting any minerals and all underground workings, slopes, shafts, galleries, and tunnels, and other ways, cuts, and openings connected therewith, including those in the course of being opened, sunk, or driven, prospecting for and obtaining petroleum and natural gas, and all other valuable products formed or existing beneath the earth's surface; and includes all the appurtenant structures at or about the openings of the mine, and any adjoining adjacent workplace where the materials from the mine is prepared for use or shipment. (*d*) "Quarry" means any place, not a mine, where stone, slate, clay, sand, gravel, or other solid materials are dug or otherwise extracted from the earth for the purpose of trade or bargain, or of employers' trade or business. (*e*) "Electrical work" means any kind of work in or directly connected with the construction, installation, operation, alteration, removal, or repair of wires, cables, switchboards or apparatus used for the transmission of electrical current, or operation of telegraph or telephone lines. (*f*) "Building work" means any work in the erection, construction, extension, decoration, alteration, repair, or demolition of any building or structural appurtenances. (*g*) "Engineering work" means any work in the construction, alteration, extension, repair, or demolition of a railway (as hereinbefore defined), bridge, jetty, dyke, dam, reservoir, underground conduit, pole lines constructed or used for carrying conductors, sewer, oil, or gas well, oil tank, gas tank, water tower, or waterworks (including standpipes or mains), any caisson work or work in artificially compressed air, any work in dredging, pile driving, moving buildings, moving safes, construction and repairing of streets, roads, and highways, or in laying, repairing, or removing underground pipes or connections; the erection, installing, repairing, or removing of boilers, furnaces, engines, and power machinery (including belting and other connections), and any work in grading or excavating where shoring is necessary or power machinery or blasting powder, dynamite, or other high explosives are in use (excluding mining and quarrying). (*h*) "Employer" includes any person or body of persons, corporate or unincorporate, and the legal representative of a deceased employer or the receiver or trustee or a person, corporation, association, or partnership; and when any mine, quarry, factory, or other place covered by the provisions of this act in which work is being or to be performed, is leased or let to any lessee or lessees under any form of contract or agreement other than on a royalty basis, then and in all such cases the lessee or lessees and the lessor or lessors shall be deemed to be operating said mine, quarry, factory, or other place described above as employers jointly. (*i*) "Workman" means any person who has entered into the employment of or works under contract of service or apprenticeship with an employer. Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependents, as hereinafter defined, or to his legal representatives, or where he is a minor or incompetent, to his guardian. (*j*) "Dependents" means such members of the workman's family as were wholly or in part dependent upon the workman at the time of the accident. "Members of a family," for the purpose of this act, means only legal widow or husband, as the case may be, and children; or if no widow, husband, or children, then parents or grandparents; or if no parents or grandparents, then grandchildren; or if no grandchildren, then brothers and sisters. In the meaning of this section parents include step-parents, children include step-children, and grandchildren include step-grandchildren, and brothers and sisters include step-brothers and step-sisters, and children and parents include that relation by legal adoption. In the meaning of this section a widow shall not be regarded as a dependent of a deceased workman or as a member of the family, if she shall have for more than six months willfully or voluntarily deserted or abandoned him prior to the date of his death; and a husband, whether he is capable of wage earning or not, shall not, within the meaning of this section, be regarded as a dependent of his deceased wife, nor as a member of her family if he shall have for more than six months willfully or voluntarily deserted or abandoned her prior to the time of her death. (*k*) The words "arising out of and in the course of employment" as used in this act shall not be construed to include injuries to the employee occurring while he is on his way to assume the duties of his employment or after leaving such duties, the proximate cause of which injury is not the employer's negligence.

SEC. 9. *Incompetent persons.*—(*a*) In case an injured workman is mentally incompetent or when death results from an injury in case any of his dependents, as herein defined, is mentally incompetent at the time when any right,

privilege, or election accrues to him under this act, his guardian may, on his behalf, claim and exercise such right, privilege, or election, and no limitation of time in this act provided for, shall run, so long as such incompetent has no guardian.

SEC. 10. *Medical, etc., treatment; schedule of payments.*—The amount of compensation under this act shall be: (1) It shall be the duty of the employer to provide the services of a physician or surgeon and such medical, surgical, and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, and apparatus, as may be reasonably necessary to cure and relieve the workman from the effects of the injury; but the cost thereof shall not be more than $100, nor shall the period of time during which same are to be provided exceed 60 days from date of accident: *Provided*, That in extreme cases the commission may, after proper showing, require the employer to provide additional medical, surgical, and hospital treatment in an amount not in excess of $100: *And provided further*, That all fees and charges under this section shall be fair and reasonable, shall be subject to regulation by the commission, and shall be limited to such as are fair and reasonable for similar treatment of injured persons of a like standard of living. The commission shall have jurisdiction to hear and determine all disputes as to such charges. No employer shall be liable for any medical, surgical, or hospital treatment, including nursing, medicines, medical, and surgical supplies, ambulance, crutches, and apparatus, nor for any physician's or surgeon's fees in excess of the amounts hereinbefore expressed. If the employer has knowledge of the accidental injury and refuses or neglects to seasonably provide the benefits herein required, the employee may provide the same for himself and the employer shall be liable for such expense subject to the limitations herein expressed: *Provided further*, That if the services of the physician or surgeon furnished as above provided are not satisfactory to the injured workman the commission may authorize the appointment of some other physician or surgeon, subject to the limitations as to total charges for the benefits in this section provided and the period over which same shall extend as hereinbefore expressed.

(2) (*a*) If a workman leaves any dependents wholly dependent upon his earnings, a sum equal to three times his average yearly earnings, computed as provided in section 11 of this act, but not exceeding $4,000 and not less than $1,400: *Provided*, That any payment under this act on account of any injury from which death shall thereafter result, except such payments as may be made under paragraph 1 of this section, shall be deducted from such sum: *And provided, however*, That if the workman does not leave any dependents, citizens of and residing at the time of the accident and injury in the United States, the amount of compensation shall not exceed in any case the sum of $750. (*b*) If a workman does not leave any such dependents, but leaves dependents in part dependent on his earnings, such percentage of the sum provided in paragraph 2 (*a*) of this section as the average annual contributions which the deceased made to the support of such dependents during the two years preceding the injury bears to his average annual earnings during such two years. (*c*) The commission shall have the power and authority to apportion the compensation allowed under either subsection (*a*) or subsection (*b*) hereof in accordance with the degree of the dependency as of the date of the accident: *Provided*, That weekly payments of compensation to all dependents shall not exceed the maximum weekly payment provided in this section. (*d*) In all cases of death hereunder the employer shall pay the reasonable expenses of burial not exceeding $150. Marriage of any dependent shall terminate all compensation of such dependent, but shall not affect the compensation allowed other dependents. When any minor dependent, not physically or mentally unable of wage earning, shall become 18 years of age such compensation shall cease.

(3) (*a*) Where total permanent disability results from the injury, no compensation shall be paid during the first week of the disability, except that provided in paragraph 1 of this section, but after the expiration of said first week, payment shall be made as provided herein during such permanent total disability of a sum equal to 60 per cent of the average weekly earnings of the injured workman computed as provided in section 11 of this act, but in no case less than $6 per week, nor more than $18 per week. The payment of compensation for total permanent disability shall not extend over a period exceeding eight years from date of injury. Loss of both eyes, both hands, both arms, both feet, or both legs shall, in the absence of proof to the con-

trary, constitute a total permanent disability. Substantially total paralysis, or incurable imbecility or insanity, resulting from an injury independent of all other causes, shall constitute total permanent disability. In all other cases total permanent disability shall be determined in accordance with the facts. (*b*) Where temporary total disability results from the injury no compensation shall be paid during the first week of disability, except that provided in paragraph 1 of this section, but after the expiration of said first week payment shall be made in accordance with the provisions of this act, during such temporary total disability, of a sum equal to 60 per cent of the average weekly earnings of the injured workman, computed as provided in section 11 of this act, but in no case less than $6 per week nor more than $18 per week: *Provided*, That where such temporary total disability is followed by temporary partial disability, the compensation shall be 60 per cent of the difference between his average weekly wages before the accident and the average weekly wages he is earning or is physically able to earn during such period of temporary partial disability, in any employment, not exceeding, however, $18 per week: *Provided*, The minimum of $6 per week elsewhere provided for in this act shall not apply to compensation under this provision, and such payment shall not extend over a longer period than 415 weeks from the date of the accident. (*c*) Where disability, partial in character but permanent in quality, results from the injury, the injured workman shall be entitled to the compensation provided in paragraph 1 of this section, but shall not be entitled to any other or further compensation for or during the first week following the injury. Thereafter compensation shall be paid as provided in the following schedule, the average weekly wages to be computed as provided in section 11 of this act, and the compensation in no case to be more than $18 per week:

(1) For the loss of a thumb, 60 per cent of the average weekly wages during 60 weeks.

(2) For the loss of a first finger, commonly called the index finger, 60 per cent of the average weekly wages during 37 weeks.

(3) For the loss of a second finger, 60 per cent of the average weekly wages during 30 weeks.

(4) For the loss of a third finger, 60 per cent of the average weekly wages during 20 weeks.

(5) For the loss of a fourth finger, commonly called the little finger, 60 per cent of the average weekly wages during 15 weeks.

(6) The loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of one-half of such thumb or finger, and the compensation shall be one-half of the amounts specified above. The loss of the first phalange and any part of the second phalange of any finger, which includes the loss of any part of the bone of such second phalange, shall be considered to be equal to the loss of two-thirds of such finger, and the compensation shall be two-thirds the amount specified above. The loss of the first phalange and any part of the second phalange of a thumb, which includes the loss of any part of the bone of such second phalange, shall be considered to be equal to the loss of the entire thumb. The loss of the first and second phalanges and any part of the third proximal phalanges of any finger, which includes loss of any part of the bone of the third or proximal phalange, shall be considered as the loss of the entire finger.

(7) For the loss of a great toe, 60 per cent of the average weekly wages during 30 weeks.

(8) For the loss of any other toe than the great toe, 60 per cent of the average weekly wages during 10 weeks.

(9) For the loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and the compensation shall be one-half of the amount above specified.

(10) The loss of more than one phalange of a toe shall be considered to be equal to the loss of the entire toe.

(11) For the loss of a hand, 60 per cent of the average weekly wages during 150 weeks.

(12) For the loss of an arm, 60 per cent of the average weekly wages during 210 weeks.

(13) For the loss of a foot, 60 per cent of the average weekly wages during 125 weeks.

(14) For the loss of a leg, 60 per cent of the average weekly wages during 200 weeks,

(15) For the loss of an eye, or the complete loss of the sight thereof, 60 per cent of the average weekly wages during 110 weeks.

(16) Amputation or severance between elbow and wrist shall be considered as the loss of a hand. Amputation at or above the elbow shall be considered as the loss of an arm. Amputation between knee and ankle shall be considered as the loss of a foot. Amputation at or above the knee shall be considered as the loss of a leg.

(17) For the complete loss of hearing of both ears, 60 per cent of the average weekly wages during 100 weeks.

(18) For the complete loss of hearing of one ear, 60 per cent of the average weekly wages during 25 weeks.

(19) Permanent loss of the use of a finger, thumb, hand, arm, toe, foot, or leg, or the permanent loss of the sight of an eye or the hearing of an ear, shall be equivalent to the loss thereof. For the permanent partial loss of the use of a finger, thumb, hand, arm, toe, foot, or leg, or the sight of an eye or hearing of an ear, compensation shall be paid at 60 per cent of the average weekly wages, not in excess of $18 per week, during that proportion of the number of weeks in the foregoing schedule provided for loss of such finger, thumb, hand, arm, toe, foot, or leg, or the sight of an eye or hearing of an ear, which the partial loss thereof bears to the total loss of a finger, thumb, hand, arm, toe, foot, or leg, or the sight of an eye or hearing of an ear; but in no event shall the compensation payable hereunder for such partial loss exceed the compensation payable under the schedule for the total loss of such finger, thumb, hand, arm, toe, foot, or leg, or the sight of an eye or hearing of an ear.

(20) For traumatic hernia, 60 per cent of the average weekly wage during 12 weeks.

(21) Whenever the workman is entitled to compensation for a specific injury under the foregoing schedule, the same shall be exclusive of all other compensation except the benefits provided in paragraph 1 of this section, and no additional compensation shall be allowable or payable for either temporary or permanent disability: *Provided, however*, That the commission, arbitrator, or committee may, in proper cases, allow additional compensation during the actual healing period, such period not to be more than 10 per cent of the total period allowed for the schedule injury in question, nor in any event for longer than 15 weeks: *Provided further*, That the return of the workman to his usual occupation shall terminate the healing period.

(22) Should the employer and the employee be unable to agree upon the amount of compensation to be paid in any case of injury not covered by the schedule, the amount of compensation shall be settled according to the provisions of this act as in other cases of disagreement: *Provided, however*, In case of temporary or permanent partial disability not covered by schedule the workman shall receive during such period of temporary or permanent partial disability not exceeding 415 weeks, 60 per cent of the difference between the amount he was earning prior to said injury as in this act provided and the amount he is able to earn after such injury in any employment, such compensation in no case to exceed $18 per week: *Provided further*, That the minimum of $6 per week elsewhere provided in this act shall not apply to injuries covered by the provisions of this paragraph.

(23) If a workman has received an injury for which compensation is being paid him, and his death is caused by other and independent causes, any payments of compensation already due him at the time of his death and then unpaid shall be paid to his dependents direct, or to his legal representatives if he left no dependents, but the liability of the employer for payments of compensation not yet due and payable at the time of the death of such workman shall cease and be abrogated by his death.

(24) If a workman has suffered a previous disability and received a later injury the effects of which, together with the previous disability, shall result in total permanent disability, then and in that event the compensation due said workman shall be the difference between the amount provided in the schedule of this section for his prior injury and the total sum which would be due said employee for such total disability computed as provided in section 11 of this act, but in no case less than $6 per week nor more than $18 per week.

(25) The total amount of compensation that may be allowed or awarded an injured workman for all injuries received in any one accident shall in no event exceed the compensation provided for in this act for total permanent disability.

(26) Where a minor or his dependents are entitled to compensation under the provisions of this act, such compensation shall be exclusive of all other

remedies or causes of action for such injury or death, and no claim or cause of action against said employer shall inure or accrue to or exist in favor of the parent or parents of such minor employee on account of any damage resulting to such parent or parents on account of the loss of earnings or loss of service of such minor employee. In any case of injury to or death of a female employee, where the said female employee or her dependents are entitled to compensation under the provisions of this act, such compensation shall be exclusive of all other remedies or causes of action for such injury or death, and no claim or action shall inure, accrue to, or exist in favor of the surviving husband or any relative or next of kin of such female employee against such employer on account of any damage resulting to such surviving husband or any relative or next of kin on account of the loss of earnings, services, or society of such female employee, or on any other account, resulting from or growing out of the injury or death of such female employee.

SEC. 11. *Earnings computed, how.*—1. The average annual earnings of a workman shall, for the purpose of the provisions of this act, be computed as follows: (*a*) Where the workman has been continuously employed by the same employer for one year or longer, the actual amount of money paid by the employer to the employee as wages or remuneration for his services during the year immediately preceding the injury, undiminished by loss due to absence from work on account of illness or other unavoidable cause. (*b*) Where the workman has been employed less than one year by the employer in whose employ he received the injury, fifty-two times the average weekly amount which during the 12 months immediately preceding the accident, was being earned by a person in the same grade employed at the same work by the same employer, undiminished by loss due to absence from work on account of illness or other unavoidable cause; and if there is no person in the same grade employed at the same work by the same employer, then fifty-two times the average weekly earnings of a person in the same grade employed by the same or other employer in the same district at the same or similar work or employment. (*c*) Where the workman has entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his average annual earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the injury. (*d*) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed upon him by the nature of his employment, the sums so paid shall not be reckoned as part of the earnings of the workman; nor shall tips nor gratuities received from the employer or other persons be considered or included as a part of the workman's earnings, but reasonable value of board, rent, housing, lodging, fuel, or other similar advantages received from the employer as a part of the remuneration of the employee and the value of which can be estimated in money, shall be considered and included as a part of the workman's earnings. (*e*) If proceedings are necessary to establish the amount of compensation, credit shall be given to the employer by the arbitrator, arbitration committee, or commission for any amounts paid under this act prior to the date of the award.

2. The average weekly wages of a workman shall be one fifty-second part of his average annual earnings computed as provided by paragraph 1 of this section.

3. In computing average earnings of a workman under the preceding paragraphs of this section regard shall be had to the earnings for what is commonly regarded as a day's work or a week's work for the employment on which the average earnings are calculated.

4. If a workman has suffered a previous disability and receives a later injury, his average earnings used as a basis for the compensation for such later injuries shall be such amount as will reasonably represent his earning capacity at the time of the later injury in the employment at which he was working at such time.

SEC. 12. *Payments.*—The payments shall be made at the same time, place, and in the same manner as the wages of the workman were payable at the time of the accident, but the commission upon the application of either party may modify such regulation in a particular case as to the commission may seem just.

SEC. 13. *Payment to dependents.*—Where death results from the injury and the dependents of the deceased workman, as herein defined have agreed to accept compensation, and the amount of such compensation and the apportionment

thereof between them has been agreed to or otherwise determined, the employer may pay such compensation to them accordingly (or to an administrator if one be appointed) or into any district court having jurisdiction and thereupon be discharged from all further liability for the injury. Where only the apportionment of the agreed compensation between the dependents is not agreed to, the employer may pay the amount into the commission, or to the administrator of the deceased workman, or into any district court having jurisdiction with the same effect. Where the compensation has been so paid the commission, or such court upon the application of such administrator or any of such dependents, and upon such notice and proof as it may order shall determine the distribution thereof among such dependents. Where there are no dependents, medical and funeral expenses may be paid and distributed in like manner.

SEC. 14. *Payments exempt from execution.*—No claim for compensation, or compensation agreed upon, awarded, adjudged, or paid, shall be assignable or subject to levy, execution, attachment, garnishment, or any other remedy or procedure for the recovery or collection of a debt, and this exemption can not be waived.

SECS. 15–18. *Medical examinations.*—[An injured workman must submit himself to any one or more reputable physicians selected by the employer, but he shall not be required to submit himself oftener than twice in any one month. If employee is required to be examined by a physician at a place other than his residence he must be furnished with transportation funds and in addition $3 per day to defray his board and lodging while away. The employee is entitled to have his own physician present at all examinations, and unless such physician has a reasonable opportunity to participate in the examination in the presence of the employer's physician, the latter will not be permitted to give evidence, as to matters in dispute. An examination may be made by one or more neutral physicians, not exceeding three, at the instance of a committee, arbitrator, or commission. Refusing, obstructing, or preventing examination suspends compensation for such period of refusal, etc. Proceedings may be dismissed against employer where employee refuses to submit himself to examination. Reports of physicians must be supported in any court proceedings by their testimony.]

SECS. 19–28. *Procedure.*—[Notice of an accident must be given to the employer 10 days thereafter; and claim for compensation within 90 days after the accident, must be made by registered mail, or within 6 months after the death of the injured employee if death results from the injury within 3 years after the date of the accident. Want of notice or any defect shall not be a bar unless the employer prove that he has been prejudiced thereby. Compensation may be settled by agreement, but if not, a committee representative of the parties may act as arbitrators selected, in the absence of objection by either party. If there is no committee or objection is made or the reference is not determined within 30 days, a single arbitrator agreed upon by the parties may settle it, and in default of agreement between the parties the commission shall hear and determine the matters presented. A committee, arbitrator, commission, or court is bound by technical rules of procedure, but must act reasonably and without partiality. The finding is to be filed in the office of the commission within 30 days after the hearing. The parties may agree to extend the time. An award must be made within 30 days. Arbitrator's fees are to be fixed by the consent to arbitration agreed to by the parties or if not, they shall not exceed $10 per day for not more than five days, with expenses. Costs are to be taxed or apportioned in the discretion of the arbitrator.

Every finding or award shall be in writing, with specified amounts due and unpaid and the amounts to be paid subsequently. No lump sum may be awarded except of amounts in arrears. Any award may be modified by subsequent written agreement of the parties but such modifications will not be valid against the workman unless such agreement or a copy be filed in the office of the commission within 60 days after their execution. Final receipts are to be acknowledged and verified by the workman and filed in the office of the commission.

Review may be had, at any time before but not after the final payment, of the application of either party at which time the commission may appoint physicians to examine the workman and report to the commission. It shall hear all competent evidence and if the award is excessive or inadequate or that the condition of the workman has changed the commission may modify

the award according to its findings; or if it learns that the workman is earning an equal or greater income, or that he has absented himself from a reasonable examination by physician or has departed beyond the boundaries of the United States then the commission may cancel the award and end the compensation. The provisions as to review do not apply to an award of compensation under the schedule for specific injuries.]

SECS. 29–31. *Lump sums.*—[At any time before final payment of compensation, the workman or his dependents, with notice to the employer, may apply to the commission for an award in a lump sum equal to 95 per cent of the unpaid portion of the award. If the commission is satisfied that the application for award is made because of doubt as to the security of compensation it shall then, unless a certificate of an insurance company or reciprocal or interinsurance exchange or a bond is secured, compute the sum and enter an award. The employer may stay proceedings in regard to the application by filing with the clerk of said district court a bond. Where payments have been made for not less than six months the liability under such may be redeemed by the employer at his option by the payment to the workman of a lump sum equal to 95 per cent of the unpaid balances, such amount to be determined by agreement, or, upon application of either party.]

SEC. 32. *Insurance.*—Where the payment of compensation of the workman or his dependents is insured by a policy or policies at the expense of the employer the insurer shall be subrogated to the rights and duties under this act of the employer so far as appropriate. And every employer shall secure compensation to his employees by insuring in one of the following ways, namely: First, by insuring and keeping insured the payment of such compensation with any stock corporation or mutual association or reciprocal or interinsurance exchange or association authorized to transact the business of workmen's compensation insurance in the State of Kansas; or, second, by showing to the commission that said employer carries his own risk and is what is known as a self-insurer and by furnishing proof to the commission of his or its financial ability to pay such compensation for himself or it.

SEC. 33. *Administration.*—Wherever the word "commission" is used in this act it shall be construed to mean the public-service commission of the State of Kansas, and full jurisdiction and power is hereby conferred upon such public-service commission for the supervision of the administration of this act. The present member of such commission (and his successor in office) having in active charge the handling of those matters and things arising under what is commonly known as the "labor department," is hereby designated as commissioner of compensation under this act and shall have active charge of the administration of this act with full power and authority to call upon any and all members of said public-service commission to aid and assist in the administration of this act. All orders and awards shall be signed by the commissioner of compensation except in such cases where other members of the public-service commission may be called upon to aid and assist the commissioner of compensation, in which case such orders and awards shall be signed by such member or members of the commission called upon to assist the commissioner of compensation.

SEC. 34. *Hearings—Approval awards—Duties and powers.*—All hearings upon all claims for compensation under this act shall be held by the commissioner, or examiner in the county in which the accident occurred, unless otherwise mutually agreed by the employee and employer. The award, finding, decision, or order of an examiner, when approved and confirmed by the commissioner and filed in the office of the commissioner, shall be deemed to be the award, finding, decision, or order of the commissioner. The commissioner shall, for the purpose of this act, have power to administer oaths, certify to official acts, take depositions, issue subpœnas, compel the attendance of witnesses, and the production of books, accounts, papers, documents, and records.

SEC. 35. *Secretary to commission—Clerical assistants.*—The commissioner shall employ a secretary and such other clerical assistants as may be necessary to properly carry out the provisions of this act, and shall fix their compensation; the compensation of such employees shall be paid monthly out of the appropriation made for the commissioner of workmen's compensation. Such employees to serve during the pleasure of the commissioner. The secretary of the commission shall: First. Maintain a full, true, and correct record of all proceedings of the commission, of all documents or papers filed by the commission, or in the office of the commission, of all awards, orders, and decisions made by the commission and he shall be responsible to the commission for the safe

custody and preservation of all such papers and documents at its office. Second. Under the direction of the commission have general charge of its office, superintend and perform its clerical business, and perform such other duties as the commission may prescribe.

SEC. 36. *Examiners—Appointment—Duties and powers.*—The commissioner may appoint not to exceed two examiners who shall hold office during the pleasure of the commissioner. Such examiners shall have power to administer oaths, certify official acts, take depositions, issue subpœnas, compel the attendance of witnesses and the production of books, accounts, and papers, and under the direction of the commissioner any such examiner may conduct an investigation, inquiry, or hearing in the same manner and with like effect as if done by the commissioner and all acts, findings, awards, decisions, rulings or modifications of findings or awards made by such examiner, shall be subject to review and approval by the commissioner. The salary of each examiner or examiners shall be fixed by the commissioner and each examiner shall be allowed all reasonable and necessary expenses actually incurred by him when away from the city of Topeka, Kansas, while in the actual discharge of his official duties in administering this act, but such expenses shall be sworn to by the person incurring the same and be approved by the commissioner. In case of emergency the commissioner may appoint special local examiners and assign to them the examination and hearing of any designated case or cases arising in the county where such examiners reside. Such local examiners, shall, as to all cases assigned to them, exercise the same powers as the two regular examiners herein provided for. Such special local examiners shall receive a per diem at the rate of $10 per day for their services but shall not be paid more than $50 for any one case. And all special examiner's fees shall be taxed as cost in each case heard by such special examiner and when collected shall be paid direct to such special examiner by the party charged with the payment of same. Such local special examiners shall not be allowed anything for expenses.

SEC. 37. *Stenographer—Transcript.*—The commissioner or examiner shall at each hearing appoint a qualified stenographer, to attend each hearing where testimony is introduced, and preserve a complete record of all oral or documentary evidence introduced and all proceedings had at such hearing unless such appointment be waived by mutual agreement. All testimony introduced and proceedings had in such hearings shall be taken down and transcribed by such stenographer, and after being certified by the stenographer to be a true and correct transcript of the testimony and proceedings at such hearings, shall be filed in the office of the commissioner and be received as evidence by the commissioner with the same effect as if such stenographer were present and testified to the record so certified. In the event of an appeal by either party the commission shall transfer said transcript or a certified copy thereof to the court to which an appeal is taken without cost.

SEC. 38. *Witnesses' fees.*—Each witness who appears before the commission in response to a subpœna shall receive the same fee and mileage as is provided for witnesses attending district courts in civil cases in this State, and the commission shall tax and apportion the costs of such witness fees in its discretion and shall make such orders relative to the payment of such fees as it may deem expedient in order to secure and provide for the payment of the same.

SEC. 39. *Depositions.*—The commission or any party affected by the hearing or proceedings may cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in district courts in this State.

SEC. 40. *Fees.*—In order to defray the expense incident to the administration of this act, the commission shall be entitled to a fee of $1 for filing each agreement or final release, said fee to be paid at the time of filing the same, and in each claim before the commission in which testimony is introduced, an amount not to exceed $25 and the commission shall tax or apportion the costs of such fees in its discretion and shall note the amount taxed and apportionment thereof on the findings, award, or order. If the commission shall find that any proceedings brought under this act have been brought, prosecuted, or defended without reasonable ground, it may assess the whole of the fees provided for by this section and all fees and costs provided for in this act against the party who has so brought, prosecuted, or defended them. All fees provided for by this section of this act shall be paid by the party, or parties, to whom they are taxed or apportioned unto the commission, and the commission shall

receipt the party paying same. The commission shall keep a record of all fees taxed under this section of the act and shall pay said fees unto the State treasurer who shall keep a record of same and shall receipt the commission for all fees paid to him by the commission. It shall be the duty of the commission to make a verified, detailed report of all moneys received by it to the State auditor at the end of each month and to remit and pay all moneys received during such month to said State treasurer.

SEC. 41. *Proceedings.*—A workman's right to compensation under this act may in default of agreement or if the employer and employee shall not agree upon arbitration, be determined and enforced by the commission, and in the event that the right to compensation be not settled by agreement and the employer and employee shall not agree upon arbitration, then, after the expiration of 10 days from the time of a demand in writing for arbitration by one party upon the other, either party may in writing apply to the commission for a determination of the compensation due or claimed to be due, said application to be in form as prescribed by the rules of the commission and shall set forth the substantial and material facts in relation to said claim, and the commission shall forthwith mail a certified copy of said application to the adverse party and proceed, upon due and reasonable notice to the parties which shall not be less than 20 days, to hear all evidence in relation thereto and to make findings concerning the amount of compensation, if any, due to the employee.

SEC. 42. *Appeals.*—Any party to the proceedings may appeal from any and all decisions, findings, awards, or rulings of the commission to the district court of the county where the cause of action arose upon questions of law and fact as presented and shown by a transcript of the evidence and proceedings as presented, had, and introduced before the commission. And on any such appeal, the district court shall have jurisdiction to grant or refuse compensation or to increase or diminish any award of the commission as justice may require. Such appeal shall be taken and perfected by the filing of a written notice of appeal with the commission within 20 days after the decision, finding, award, or ruling appealed from shall have been made and filed by the commission and the secretary of the commission shall immediately after the filing of such notice transmit a certified copy of such notice to the clerk of the said district court who shall docket said cause for hearing as in other cases on appeal.

SEC. 43. *When the right to compensation accrues.*—The right to compensation shall be deemed in every case, including cases where death results from the injury, to have accrued to the injured workman or his dependents or legal representatives at the time of the accident, and the time limit in which to commence proceedings for compensation therefor shall run as against him, his legal representatives, and dependents from the date of the accident.

SEC. 44. *Attorney's fees.*—No claim of any attorney at law for services rendered in or about securing any compensation or agreement, award, or judgment for compensation shall be an enforceable lien thereon unless the services were rendered pursuant to and under the terms of a written contract between such attorney at law and the workman or the guardian of the workman, if the latter be a minor or incompetent, nor unless such written contract be approved in writing by the commission.

SECS. 45–49. *Substitute schemes.*—[Schemes maintained by one or more employers and their workmen providing scales of compensation not less favorable than those of the act, or, if employees contribute, providing added corresponding benefits, may be approved by the commission with the advice and written approval of the attorney general; suitable provision must be made for the equitable distribution of any moneys or securities held for the purpose of the scheme, and when the scheme no longer fulfills the requirements, the certificate may be revoked for cause. The superintendent of insurance may make necessary rules and regulations to carry out the purpose of the schemes.]

SEC. 50. *Employer's election.*—Every employer entitled to come within the provisions of this act, as defined and provided by this act, shall be presumed to have done so, except such employers privileged to elect to come within the provisions of this act, as hereinbefore provided, unless such employer shall file with the commission a written statement that he elects not to accept hereunder, and thereafter any such employer desiring to change his election shall only do so by filing a written declaration thereof with the commission. Notice of such election shall forthwith be posted by such employer in conspicuous places in and about his place of business.

SEC. 51. *Employee's election.*—Every employee entitled to come within the provisions of this act shall be presumed to have done so unless such employee shall file with the commission, before injury, a written declaration that he elects not to accept hereunder and at the same time file a duplicate of said election with the employer, which said election shall be valid only during his term of employment with said employer, and thereafter any such employee desiring to change his election shall only do so by filing a written declaration thereof with the commission and a duplicate of same with his employer. Any contract wherein an employer requires of an employee as a condition of employment that he shall elect not to come within the provisions of this act shall be void.

SEC. 52. *Defenses abrogated.*—In any action to recover damages for a personal injury sustained within this State by an employee (entitled to come within the provisions of this act) while engaged in the line of his duty as such or for death resulting from personal injury so sustained, in which recovery is sought upon the ground of want of due care of the employer, or of any officer, agent or servant of the employer, where such employer is within the provisions hereof, it shall not be a defense to any employer (as herein in this act defined) who shall have elected, as hereinbefore provided, not to come within the provisions of this act: (*a*) That the employee either expressly or impliedly assumed the risk of the hazard complained of. (*b*) That the injury or death was caused in whole or in part by the want of due care of a fellow servant. (*c*) That such employee was guilty of contributory negligence.

SEC. 53. *Defense continued.*—In an action to recover damages for personal injury sustained by an employee (entitled to come within the provisions of this act) while engaged in the line of his duty as such, or for death resulting from personal injury so sustained in which recovery is sought upon the ground of want of due care of the employer or of any officer, agent, or servant of the employer and where such employer at the time of the accident is operating under the provisions of this act and has not filed his election not to accept hereunder, it shall be a defense for such employer in all cases where said employee has elected not to come within the provisions of this act: (*a*) That the employee either expressly or impliedly assumed the risk of the hazard complained of; (*b*) that the injury or death was caused in whole or in part by the want of due care of a fellow servant; (*c*) that said employee was guilty of contributory negligence: *Provided, however,* That none of these defenses shall be available where the injury was caused by the willful negligence of such employer, or of any managing officer, or of managing agent of said employer.

SEC. 54. *Penalty for failure to make report of accident.*—It is hereby made the duty of every employer, including employers electing not to come under this act, to make or cause to be made a report to the commission of any accident, or claimed or alleged accident, to any employee which occurs in the course of his employment and of which the employer or his foreman has knowledge, within seven days, after the receipt of such knowledge: *Provided,* That such accidental injuries are sufficient wholly or partially to incapacitate the person injured from labor or service for more than the remainder of the day, shift or turn on which such accidental injury was sustained, which report shall be made upon a form to be prepared by the commission. When such accident has been reported and subsequently such person has died, a supplemental report shall be filed with the commission within 48 hours after receipt of knowledge of such death, stating such fact and any other facts in connection with such death or as to the dependents of such deceased employee which the commission may require: *Provided further,* That such report or reports shall not be used nor considered as evidence before the commission or in any court in this State. Any employer who refuses or willfully neglects to make any report required by this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $500 for each offense.

SECS. 55–60. *Reports.*—[The commission is required each year to submit a report for the preceding year of all its transactions. Every policy of insurance against liability must be in the approved form, and the insurance carriers must file its classification of risks and premium rates within a specified time. The carrier must maintain reserves before writing any insurance and must report to the commissioner of insurance whenever it rejects the act for the purpose of determining the solvency of the carrier, etc. For violations of the act the commissioner of insurance may suspend or revoke the authority of any insurance carrier to do business in the State.]

SEC. 61. *Not repeal liability laws.*—Nothing in this act shall be construed to amend or repeal sections 66–235, 66–236, 66–237, 66–238, 66–239, 66–240, and 66–241 of the Revised Statutes of Kansas, 1923.

SEC. 62. *Constitutionality.*—If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed the act, each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more of the same shall be declared unconstitutional.

SEC. 63. *Statutes repealed.*—That all of article 5, chapter 44 of the Revised Statutes of Kansas, 1923, and sections 44–113, 44–114, 44–115, and 44–116 of the Revised Statutes of Kansas, 1923, and all acts and parts of acts inconsistent with any of the provisions of this act be, and the same are hereby repealed.

SEC. 64. *When act effective.*—That this act shall take effect and be in force from and after June 30, 1927, after its publication in the statute book.

LOUISIANA

[The compensation law of this State (acts of 1914, No. 20) was amended by act No. 242, Acts of 1928. The changes are noted below:

[Section 8 (as amended 1918, No. 38; 1920, No. 247; 1922, No. 43; 1924, No. 216; 1926, No. 85) was further amended by Act No. 242, Acts of 1928, as follows:

[In subsection 1, subdivision (*d*), paragraph (17) the provision relative to compensation for hernia has been omitted.

[Subsection 2 is amended by adding after the word "provided" in the fifth line the following words: "for a period of 300 weeks." This corrects an apparently unintentional omission of the 1926 act.

[Subsection 9 is amended to read as follows:]

9. The amounts payable as compensation may be commuted to a lump-sum settlement by agreement of the parties after having been approved by the court as reasonably complying with the provisions of this act: *Provided*, That in making such lump-sum settlement the payments due the employee or his dependents under this act shall not be discounted at a rate greater than 8 per cent per annum; if such lump-sum settlement be made without the approval of the court, or at a discount greater than 8 per cent per annum, even if approved by the court, the employer shall be liable for compensation at one and one-half times the rate fixed in this act, and the employee or his dependents shall at all times within two years after date of the payment of the lump settlement, and notwithstanding any other provisions of this act, be entitled to demand and receive in a lump sum from the employer such additional payment as, together with the amount already paid, will aggregate one and one-half times the compensation which would have been due under this act, but for such lump-sum settlement. But upon the payment of a lump-sum settlement commuted on a term agreed upon by the parties, discounted at not more than 8 per cent per annum and with the approval of the court, the liability under this act of the employer making such payment shall be fully satisfied: *Provided*, That for injuries scheduled in paragraphs 1–d and 2 of this section no shorter terms than therein set forth have been agreed upon.

Supplemental Law

[Section 1 of act No. 126, Acts of 1924, was amended by Act No. 29, Acts of 1928, by authorizing State charity hospitals to charge and recover by legal action in workmen's compensation cases, by dropping the requirement that the patient be made "codefendant" with the employer and his insurer in legal proceedings to hold them liable.]

MAINE

[The compensation law of this State (Acts of 1919, ch. 238) was amended by chapters 158 and 252, Acts of 1927. The changes are indicated below.

[Section 1, Subsection II, was amended by chapter 158, Acts of 1927, by striking out all after (*g*) in said subsection and inserting in place thereof the following:]

All persons employed by the State or under the direction and control of any department of the State shall be entitled to the benefits of chapter 50 of the Revised Statutes. Upon order of the governor and council such compensation as shall be finally allowed and such medical and hospital bills as shall be allowed shall be paid from the appropriation, or fund, of the department which employed, directed, or controlled the person injured, out of which such person has received or may receive salary or wages.

[Section 9 (as amended 1921, ch. 222) was amended by chapter 252, section 1, Acts of 1927, by adding at the end of the section the sentence, "In computing the 7-day waiting period, so called, the day of the accident shall be counted as one."

[Section 13 was amended by chapter 252, section 2, Acts of 1927, by striking out the words "last sickness and" in the fourth and ninth lines, so that the section shall read as follows:]

SEC. 13. If the employee dies as a result of the injury, leaving no dependents at the time of the injury, the employer shall pay, in addition to any compensation provided for in this act, the reasonable expense of burial, which shall not exceed $200: *Provided, however,* If dependents appear before the commission within one year after the death of the said employee, and prove that they are entitled to compensation as provided for by this act, and such compensation is decreed to be paid to the said dependents, the reasonable expenses of burial as aforesaid shall be deducted from the amount allowed to the said dependents.

[Sections 14, 15, and 16 (as amended 1925, ch. 201, sec. 2) were further amended by chapter 252, section 3, Acts of 1927, so as to carry into effect the evident intention of the legislature to amend section 16 instead of section 17 as amended in 1925, increasing the maximum payments from $16 to $18.

[Section 29 (as amended 1921, ch. 222, sec. 9) was further amended by chapter 252, section 4, Acts of 1927, by increasing the salaries of officials as follows: Chairman of commission from $3,500 to $4,000; associate legal member from $3,000 to $3,500; commissioner of labor and industry from $1,000 to $1,500; commissioner of insurance from $500 to $1,000 (the last two members to receive the increase in addition to their regular salaries).]

MARYLAND

[The compensation law of this State (code of 1924, art. 101) was amended by chapters 83, 395, 396, 536, 552, 587, 656, and 660, Acts of 1927. The changes are noted below:

[Section 27 was amended by chapter 552, Acts of 1927, by increasing the total amount that may be assessed by the commission against insurance carriers for administrative expenses from $80,000 to $100,000.

[Section 33 was amended by chapter 656, acts of 1927, to read as follows:]

SEC. 33. *Who may elect.*—Any employer, his employee or employees engaged in works not extrahazardous within the meaning of this article may, by their joint election, filed with the commission, accept the provisions of this article and such acceptances, when approved by the commission, shall subject them to the provisions of this article to all intents and purposes as if they had been originally included in its terms.

Any workman of the age of 16 years and upwards may himself exercise the election hereby authorized. The right of election hereby authorized shall be exercised on behalf of any workman under the age of 16 years by his parent or guardian.

The provisions of this article shall apply to employers and employees engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, except that any such employer and any of his workmen only in this State may, with the approval of the commission, and so far as not forbidden by any act of Congress, voluntarily accept the provisions of this article by filing written acceptance with the commission, which shall subject the acceptors to the provisions of this article to all intents and purposes as if they had been originally included in its terms.

[Section 35 was amended by chapter 83, Acts of 1927 (public employees), by excluding officers and enlisted men of the organized State militia from the act.

[Section 35 was amended by chapter 395, Acts of 1927 (public employees), to read as follows:]

SEC. 35. *Public employees.*—Whenever the State, county, city, or any municipality shall engage in any extrahazardous work, within the meaning of this article, whether for pecuniary gain or otherwise, in which workmen are employed for wages, this article shall be applicable thereto. The officers of the Maryland State police force and all guards employed by any of the penal institutions of this State shall be deemed workmen for wages within the meaning of this section. Whenever and so long as by State law, city charter, or municipal ordinance, provision equal or better than that given under the terms of this article is made for municipal employees injured in the course of employment such employees shall not be entitled to the benefits of this article.

A new section was added by chapter 660, Acts of 1927, to be known as 35–A, extending the compensation act to cover certain State prisoners engaged in any extrahazardous employment and providing a special method of computing wages of prisoners.

[Section 48 was amended by chapter 536, Acts of 1927, to read as follows:]

SEC. 48. *Illegally employed minor.*—Every minor employee engaged in extrahazardous employment or work covered by this article shall be deemed sui juris for the purposes of this article; and no other person shall have any cause of action or right to compensation for any injury to such minor employee unless otherwise herein provided. All compensation and death benefits provided by this article, however, shall be doubled in the case of any minor employed illegally under the laws of this State, with the knowledge of the employer, and no insurance policy shall be available to protect the employer of such minor from the payment of the extra or additional compensation or benefits to be awarded by reason of such illegal employment, but the employer alone shall

be liable for the said increased amount of compensation or death benefits: *Provided, however,* That the certificate of the commissioner of labor and statistics shall be conclusive evidence of the legality of any employment for the purposes of this article.

[Section 56 was amended by chapter 587, Acts of 1927, by providing that upon the affidavit of either party if a fair trial can not be had in the court in which the appeal is pending, the case must be transferred to another court. Also, that where compensation is awarded on appeal the claimant shall be entitled to interest at 6 per cent on compensation accrued and unpaid.

[A new section is added by chapter 396, Acts of 1927, to be known as section 58–A, authorizing the superintendent of the State accident fund with the approval of the commission to compromise and settle claims against any person who is alleged to be legally liable for any accident in which compensation is paid by the State accident fund.]

MASSACHUSETTS

[The compensation law of this State (G. L. 1921, ch. 152) was amended by chapters 291 and 309, Acts of 1927, and chapters 171 and 356, Acts of 1928. The changes made are as follows:

[Section 20 was amended by chapter 309, section 1, Acts of 1927, by adding at the end of the section the following sentence—"All medical records and reports of hospitals, clinics, and physicians of the insurer or of the employee shall be open to the inspection of the department so far as relevant to any matter before it."

[Section 24 was amended by chapter 309, section 2, Acts of 1927, by inserting after the word "law" in the second line the words "or under the law of any other jurisdiction in respect to an inquiry therein occurring"; and by striking out in the eighth line the words "at common law," and inserting in place the words "as aforesaid."

[Section 26 was amended by chapter 309, section 3, Acts of 1927, so as to read as follows:]

SEC. 26. *Waivers.*—If an employee who has not given notice of his claim of common-law rights of action, under section 24, or who has given such notice and has waived the same, receives a personal injury arising out of and in the course of his employment or arising out of an ordinary risk of the street while actually engaged, with his employer's authorization, in the business affairs or undertakings of his employer, and whether within or without the Commonwealth, he shall be paid compensation by the insurer, as hereinafter provided, if his employer is an insured person at the time of the injury: *Provided*, That as to an injury occurring without the Commonwealth he has not given notice of his claim of rights of action under the laws of the jurisdiction wherein such injury occurs or has given such notice and has waived it.

[Section 29 (as amended 1923, ch. 163; 1924, ch. 207) was further amended by chapter 309, section 4, Acts of 1927, to read as follows:]

SEC. 29. *Waiting time.*—No compensation shall be paid for any injury which does not incapacitate the employee for a period of at least seven days from earning full wages, but if incapacity extends beyond such period, compensation shall begin on the eighth day after the injury, and if incapacity extends beyond a period of four weeks, compensation shall be paid from the day of injury, but except under section 35 no compensation shall be paid for any period for which any wages were earned. When compensation shall have begun it shall not be discontinued except with the written assent of the employee or the approval of the department or a member thereof: *Provided*, That such compensation shall be paid in accordance with section 35 if the employee in fact earns wages after the original agreement is filed.

[Section 30 was amended by chapter 309, section 5, Acts of 1927, to read as follows:]

SEC. 30. *Medical, etc., aid.*—During the first two weeks after the injury, and, if the employee is not immediately incapacitated thereby from earning full wages, then from the time of such incapacity, and in unusual cases or cases requiring specialized or surgical treatment in the discretion of the department, for a longer period, the insurer shall furnish adequate and reasonable medical and hospital services, and medicines if needed, together with the expenses necessarily incidental to such services. The employee may select a physician other than the one provided by the insurer; and in case he shall be treated by a physician of his own selection, or where, in case of emergency or for other justifiable cause, a physician other than the one provided by the insurer is called in to treat the injured employee, the reasonable cost of his services shall be paid by the insurer, subject to the approval of the department. Such approval shall be granted only if the department finds that the employee was so treated by such physician or that there was such emergency or justifiable cause, and in all cases that the services were adequate and reasonable and the

charges reasonable. In any case where the department is of opinion that the fitting of the employee with an artificial eye or limb, or other mechanical appliance, will promote his restoration to industry, it may order that he be provided with such an artificial eye, limb, or appliance, at the expense of the insurer.

[Section 31 (as amended 1922, ch. 402) was further amended by chapter 309, section 6, Acts of 1927, to read as follows:]

SEC. 31 *Compensation for death.*—If death results from the injury, the insurer shall pay the following dependents of the employee wholly dependent upon his earnings for support at the time of his injury, compensation as follows: To the widow, so long as she remains unmarried, $10 a week if and so long as there is no child of the employee, who is under the age of 18, or over said age and physically or mentally incapacitated from earning; $12 a week if and so long as there is one such child, and $2 more a week for each such additional child; and if the widow dies, such amount as would have been payable had she lived shall be paid to the surviving children aforesaid in equal shares; but if such widow remarries, the aforesaid payments to her shall terminate and the insurer shall pay each week to each of such children, if and so long as there are more than five, his or her proportionate part of $16, and shall pay to each of such children, if and so long as there are five or less, $3 a week. The total amount of such payments shall not be more than $6,400 and said payments shall not continue more than 400 weeks. When weekly payments have been made to an injured employee before his death, the compensation under the foregoing provisions of this section shall begin from the date of the last of such payments but shall not amount to a total of more than $6,400 including such payments as were made to the injured employee before his death, and shall not continue for more than 400 weeks from the date of the injury.

In all other cases of total dependency, the insurer shall pay the dependents of the employee wholly dependent upon his earnings for support at the time of injury a weekly payment equal to two-thirds of his average weekly wages, but not more than $10 nor less than $4 a week for a period of 500 weeks from the date of the injury; but in no case shall the amount be more than $4,000. If the employee leaves dependents only partially dependent upon his earnings for support at the time of his injury, the insurer shall pay such dependents a weekly compensation equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his injury. When weekly payments have been made to an injured employee before his death, the compensation under this paragraph to dependents shall begin from the date of the last of such payments, but shall not continue for more than 500 weeks from the date of the injury.

[Section 34 was amended by chapter 309, section 7, Acts of 1927, to read as follows:]

SEC. 34. *Total disability.*—While the incapacity for work resulting from the injury is total, the insurer shall pay the injured employee a weekly compensation equal to two-thirds of his average weekly wages, but not more than $18 nor less than $9 per week, except that the weekly compensation of the injured employee shall be equal to his average weekly wages in case such wages are less than $9; and the period covered by such compensation shall not be greater than 500 weeks nor the amount more than $4,500.

[Section 35 was amended by chapter 309, section 8, Acts of 1927, to read as follows:]

SEC. 35. *Partial disability.*—While the incapacity for work resulting from the injury is partial, the insurer shall pay the injured employee a weekly compensation equal to two-thirds of the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than $18 a week; and the amount of such compensation shall not be more than $4,500.

[Section 36 was amended by chapter 356, Acts of 1928, to read as follows:]

SEC. 36. *Schedule.*—In case of the following specified injuries the amounts hereinafter named shall be paid in addition to all other compensation:

(*a*) For the loss by severance of both hands at or above the wrist, two-thirds of the average weekly wages of the injured person, but not more than $10 nor less than $4 a week for a period of 175 weeks.

(*b*) For the reduction to twenty-seventieths of normal vision in both eyes, with glasses, two-thirds of the average weekly wages of the injured person, but not more than $10 nor less than $4 a week for a period of 150 weeks.

(*c*) For the loss by severance of both feet at or above the ankle, two-thirds of the average weekly wages of the injured person, but not more than $10 nor less than $4 a week for a period of 100 weeks.

(*d*) For the loss by severance of the right or major hand at or above the wrist, two-thirds of the average weekly wages of the injured person but not more than $10 nor less than $4 a week for a period of 75 weeks.

(*e*) For the loss by severance of the left or minor hand at or above the wrist, or of either foot at or above the ankle, two-thirds of the average weekly wages of the injured person, but not more than $10 nor less than $4 a week for a period of 50 weeks.

(*f*) For the reduction to twenty-seventieths of normal vision in either eye, with glasses, two-thirds of the average weekly wages of the injured person, but not more than $10 nor less than $4 a week for a period of 50 weeks.

(*g*) For the loss by severance at or above the second joint of the thumb of the right or major hand, two-thirds of the average weekly wages of the injured person, but not more than $10 nor less than $4 a week for a period of 40 weeks.

(*h*) For the loss by severance at or above the second joint of the index finger of the right or major hand, two-thirds of the average weekly wages of the injured person, but not more than $10 nor less than $4 a week for a period of 20 weeks.

(*i*) For the loss by severance of one phalange of the thumb of the right or major hand, two-thirds of the average weekly wages of the injured person, but not more than $10 nor less than $4 a week for a period of 20 weeks.

(*j*) For the loss by severance at or above the second joint of two or more fingers of the same hand which, in the case of the left or minor hand, may include the thumb, or of two or more toes of the same foot, two-thirds of the average weekly wages of the injured person, but not more than $10 nor less than $4 a week for a period of 25 weeks, for each hand or foot so injured, but no compensation shall be payable under this paragraph on account of injury to the right or major hand in case one or more phalanges of the thumb of that hand or two or more phalanges of the index finger of that hand are lost by severance.

(*k*) For the loss by severance of at least one phalange of any finger, or of the thumb of the left or minor hand, or of any toe, two-thirds of the average weekly wages of the injured person, but not more than $10 nor less than $4 a week for a period of 12 weeks, for each hand or foot so injured, but no compensation shall be payable under this paragraph for the loss by severance of one or more phalanges of the thumb of the right or major hand or for the loss by severance of two or more phalanges of the index finger of the right or major hand.

(*l*) The additional amounts provided for in this section in case of the loss of a particular hand, foot, thumb, finger, toe, or phalange shall also be paid for the number of weeks above specified if the injury is such that hand, foot, thumb, finger, toe, or phalange is not lost but so injured as to be permanently incapable of use.

[Section 46 (payments) was further amended by chapter 309, section 9, Acts of 1927, by newly providing that an employee who is susceptible to injury or likely to become permanently or totally incapacitated by injury may, with the approval of the department and within a month after beginning his employment, waive his rights to compensation for disability.

[Section 48 (payments) was further amended by chapter 309, section 10, Acts of 1927, by no longer requiring as a condition precedent to the commutation of compensation that payments shall have continued for at least six months, or that the case be an unusual one.

[Section 52 (insurance companies) (as amended 1925, ch. 267) was further amended by chapter 309, section 11, Acts of 1927, by newly providing that upon the petition of any party aggrieved the opinion of the commissioner of insurance (as to classifications of risks and premiums) shall be subject to review by the supreme judicial court.

[Section 52 (as amended 1925, ch. 267, sec. 14) was further amended by chapter 284, section 15, Acts of 1927, by authorizing liability insurance companies to insure the payment of workmen's compensation insurance.

[Section 69 (public employees) (as amended 1924, ch. 434) was further amended by chapter 309, section 12, Acts of 1927, by providing that the terms "laborers, workmen, and mechanics, in public employments," shall include

foremen, subforemen, and inspectors, if so determined by the proper constituted authorities, as evidenced by a writing filed with the department.

[Section 13, chapter 309, Acts of 1927, provides as follows:]

SEC. 13. *Extraterritorial effect.*—An employee under a contract of hire with an insured person, made prior to the effective date of so much of this act as is not affected by section 14, shall be deemed to have waived his rights of action to recover damages for personal injuries under the law of any other jurisdiction in respect to injuries therein occurring if he shall not give his employer, within 30 days after said effective date, written notice that he claims such rights.

[Section 14, chapter 309, Acts of 1927, provides as follows:]

SEC. 14. *Effective date.*—So much of section 3 [section 26 of compensation act] of this act as extends the provisions of said chapter 152 to injuries occurring outside the Commonwealth shall take effect 120 days after its passage.

SUPPLEMENTAL LAWS

[Section 69, chapter 33, G. L. 1921 (as amended 1924, ch. 465), was further amended by chapter 291, Acts of 1927. By separate enactment compensation is made applicable to the death of members of the National Guard resulting from injury sustained in service.

[Chapter 175, G. L. 1921, section 46A (added 1922, ch. 407), was amended by chapter 171, Acts of 1928, providing that unpaid losses under the workmen's compensation policies be given preference over other claims, except taxes, in the distribution of assets of insolvent insurers.]

MICHIGAN

[The compensation law of this State (first extra session, 1912, Act No. 10) was amended by chapters 19, 63, 162, 289, and 376, Acts of 1927. The changes are as follows:

[Part I, section 7 (sec. 5429, C. L. 1915, as amended), was amended by Act No. 162, Acts of 1927, to read as follows:]

SEC. 7. *Who are employees.*—The term "employee" as used in this act shall be construed to mean:

1. Every person in the service of the State or of any county, city, township, incorporated village, or school district therein, under any appointment or contract of hire, express or implied, oral or written, except any official of the State or of any county, city, township, incorporated village, or school district therein, elected at the polls: *Provided*, That one employed by a contractor who has contracted with a county, city, township, incorporated village, school district, or the State, through its representatives, shall not be considered an employee of the State, county, city, township, incorporated village, or school district which made the contract, when such contractor is subject to this act: *Provided, however*, That policemen or firemen or employees of the police or fire departments or their dependents, in municipalities or villages of this State having charter provisions prescribing like benefits, may waive the provisions of this act and accept in lieu thereof such like benefits as are prescribed in such charter, but shall not be entitled to like benefits from both: *And provided further*, That nothing contained in this act shall be construed as limiting, changing, or repealing any of the provisions of any charter of any municipality or village of this State relating to any benefits, compensation, pensions, or retirement, independent of this act provided for employees as hereinbefore defined.

2. Every person in the service of another, under any contract of hire, express or implied, including aliens, including working members of partnerships receiving wages irrespective of profits from such, and also including minors who, for the purpose of this act, shall be considered the same and have the same power to contract as adult employees: *Provided*, That any minor between the ages of 16 and 18 years whose employment at the time of injury shall be shown to be illegal shall, in the absence of fraudulent use of permits or certificates of age, in which case only single compensation shall be paid, receive compensation double that provided elsewhere in this act.

[Part II, sections 5 and 6 (secs. 5435 and 5436, C. L. 1919), was amended by Acts No. 63 and 376, Acts of 1927, to read as follows:]

SEC. 5. *Death.*—If death results from the injury, the employer shall pay or cause to be paid, subject, however, to the provisions of section 12 hereof in one of the methods hereinafter provided, to the dependents of the employee, wholly dependent upon his earnings for support at the time of the injury, a weekly payment equal to 66⅔ per cent of his average weekly wages, but not more than $18 nor less than $7 a week for a period of 300 weeks from the date of the injury. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the weekly compensation to be paid as aforesaid shall be equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his injury: *Provided, however*, That alien dependents residing outside of the United States and Canada shall be entitled to only 66⅔ per cent of the compensation otherwise provided for herein. When weekly payments have been made to an injured employee before his death the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than 300 weeks from the date of the injury.

SEC. 6. *Dependents.*—The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

(*a*) A wife upon a husband with whom she lives at the time of his death or from whom, at the time of his death, the department of labor and industry shall find the wife was living apart for justifiable cause or because he had deserted her;

(*b*) A child or children under the age of 16 years, or over said age, if physically or mentally incapacitated from earning, upon the parent with whom he is or they are living at the time of the death of such parent: *Provided,* That in the event of the death of an employee who has at the time of his or her death a living child or children by a former husband or wife, under the age of 16 years, or over said age, if physically or mentally incapacitated from earning, said child or children shall be conclusively presumed to be wholly dependent for support upon such deceased employee, even though not living with the deceased employee at the time of his or her death; and in all cases the death benefit shall be divided between or among the surviving wife or husband and all the children of the deceased employee, and all other persons, if any, who are wholly dependent upon the deceased employee, in equal shares, the surviving wife or husband taking the same share as a child. In all cases mentioned in this section the total sum due the surviving wife or husband and her or his own child or children shall be paid directly to the surviving wife or husband for her or his own use, and for the use and benefit of her or his own child or children; but if during the time compensation payments shall continue the department of labor and industry shall find that the surviving wife or husband is not properly caring for said child or children, it shall be the duty of said department to order the share or shares of such child or children to be thereafter paid to their guardian or legal representatives for their use and benefit instead of to their father or mother; and in all cases the sums due to the child or children by the former wife or husband of the deceased employee shall be paid to their guardians or legal representatives for the use and benefit of said child or children. In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury. Where a deceased employee leaves a person or persons wholly dependent upon him or her for support, said person or persons shall be entitled to the whole death benefit, and persons partly dependent, if any, shall receive no part thereof while said persons wholly dependent are living. All persons wholly dependent upon a deceased employee, whether by conclusive presumption or as a matter of fact, shall be entitled to share equally in the death benefit in accordance with the provisions of this section. If there is no one wholly dependent, or if the death of all persons wholly dependent shall occur before all compensation is paid, and there is but one person partly dependent, such person shall be entitled to compensation according to the extent of his dependency; and if there is more than one person partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency. No person shall be considered a dependent unless he or she is a member of the family of the deceased employee, or unless such person bears to said deceased employee the relation of husband or widow, or lineal descendant, or ancestor, or brother, or sister.

(*c*) Upon the remarriage of a dependent wife receiving compensation as such, compensation payments to such wife shall cease, and such compensation, if any, shall be payable to the person or persons either wholly or partially dependent upon deceased for support at his death as provided in clause (c) of this section: *And provided further,* That the payment of compensation to any dependent child shall cease when the child reaches the age of 21 years, if at the age of 21 years he is neither physically nor mentally incapacitated from earning.

[Part II, sections 9 and 10 (secs. 5439 and 5440, C. L. 1915) was amended by act No. 63, acts of 1927 to read as follows:]

SEC. 9. *Total disability.*—While the incapacity for work resulting from the injury is total, the employer shall pay, or cause to be paid as hereinafter provided, to the injured employee, a weekly compensation equal to 66⅔ per cent of his average weekly wages, but not more than $18 nor less than $7 a week; and in no case shall the period covered by such compensation be greater than 500 weeks from the date of the injury, nor shall the total amount of all compensation exceed $9,000.

SEC. 10. *Partial disability—Schedule.*—While the incapacity for work resulting from the injury is partial, the employer shall pay, or cause to be paid as hereinafter provided, to the injured employee a weekly compensation equal to 66⅔ per cent of the difference between his average weekly wages before

the injury and the average weekly wages which he is able to earn thereafter, but not more than $18 a week; and in no case shall the period covered by such compensation be greater than 500 weeks from the date of the injury. In cases included by the following schedule the disability in each such case shall be deemed to continue for the period specified, and the compensation so paid for such injury shall be as specified therein, to wit:

For the loss of a thumb, 66⅔ per cent of the average weekly wages during 60 weeks.

For the loss of a first finger, commonly called index finger, 66⅔ per cent of average weekly wages during 35 weeks.

For the loss of a second finger, 66⅔ per cent of average weekly wages during 30 weeks.

For the loss of a third finger, 66⅔ per cent of average weekly wages during 20 weeks.

For the loss of a fourth finger, commonly called little finger, 66⅔ per cent of average weekly wages during 15 weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb, or finger, and compensation shall be one-half the amounts above specified.

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Provided, however*, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, 66⅔ per cent of average weekly wages during 30 weeks.

For the loss of one of the toes other than a great toe, 66⅔ per cent of average weekly wages during 10 weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.

The loss of more than one phalange shall be considered as the loss of the entire toe.

For the loss of a hand, 66⅔ per cent of average weekly wages during 150 weeks.

For the loss of an arm, 66⅔ per cent of average weekly wages during 200 weeks.

An amputation between the elbow and wrist 6 or more inches below the elbow shall be considered a hand, above this point an arm.

For the loss of a foot, 66⅔ per cent of average weekly wages during 125 weeks.

For the loss of a leg, 66⅔ per cent of average weekly wages during 175 weeks.

An amputation between the knee and foot 6 or more inches below the knee shall be considered a foot, above this point a leg.

For the loss of an eye, 66⅔ per cent of average weekly wages during 100 weeks.

The loss of both hands or both arms, or both feet or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of section 9.

The amounts specified in this clause are all subject to the same limitations as to maximum and minimum as above stated. In case of the loss of one member while compensation is being paid for the loss of another member, compensation shall be paid for the loss of the second member for the period herein provided, payments to begin at the conclusion of the payments for the first member.

[Part II, section 11 (sec. 5441, C. L. 1919), was amended by Act No. 376, Acts of 1927, to read as follows:]

SEC. 11. *Computation of wages.*—(*a*) The term "average annual earnings," as used in this act, is defined to be fifty-two times the average weekly wages of the employee as arrived at according to the provisions of this section.

(*b*) The term "average weekly wages," as used in this act, is defined to be six times the daily wage, salary or emolument which the injured employee is earning at the time he suffers the accidental injury.

(*c*) In cases where it is impossible to ascertain the exact daily wage, salary, or emolument the injured employee is earning at the time he suffers the accidental injury, such daily earnings shall be taken and held to be for all the purposes of this act such a sum as having regard to the previous daily earnings of the injured employee and of other employees of the same or most similar class

working in the same or most similar employment in the same or neighboring locality shall most nearly approximate the daily earnings of the said injured employee at the time he received the accidental injury, in the employment in which he was working at such time. After the amount of said daily wage, salary, or emolument shall be determined as in this subsection provided, said amount shall be multiplied by six, as hereinbefore provided, and the product so obtained shall be for all the purposes of this act taken and held to be the average weekly wages of such employee.

(*d*) The fact that an employee has suffered a previous disability or received compensation therefor shall not preclude compensation for the later injury or death, but in determining compensation for the later injury or death his average annual earnings shall be held to be such sum as will reasonably represent his annual earning capacity at the time of the later injury in the employment in which he was working at such time and shall be arrived at according to and subject to the provisions of this section.

(*e*) The weekly loss in wages referred to in this act shall consist of such percentage of the average weekly earnings of the injured employee, computed according to the provisions of this section, as shall fairly represent the proportionate extent of the impairment of his earning capacity in the employment in which he was working at the time of the accident, the same to be fixed as of the time of the accident, but to be determined in view of the nature and extent of the injury: *Provided*, The compensation payable, when added to his wage-earning capacity after the injury in the same or another employment, shall not exceed his average weekly earnings at the time of such injury.

[Part VI, section 4 (sec. 5491, C. L. 1915, as amended) was amended by Act No. 289, Acts of 1927, to read as follows:]

SEC. 4. *Interstate commerce.*—The provisions of this act shall apply to employers and workmen engaged in intrastate commerce, and also to those engaged in interstate or foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, except that any such employer and any of his workmen working only in this State, may, subject to the approval of the industrial accident board, and so far as not forbidden by any act of Congress, voluntarily accept and become bound by the provisions of this act in like manner and with the same force and effect in all respects as is hereinbefore provided for other employers and their workmen: *Provided*, That any employer so engaged in interstate or foreign commerce may elect to become subject to, or withdraw from, the provisions of this act as to any distinct department or departments of its intrastate business, and not to be subject thereto as to any other distinct department or departments of its intrastate business, any other provision or provisions of this act to the contrary notwithstanding. Any such election shall be made, or may be withdrawn in whole or in part, at the time or times, and in the manner provided in section 6 of Part I of this act for electing to become subject to the provisions hereof, and for withdrawing such election.

SUPPLEMENTAL LAW

[Act No. 19, Acts of 1927, by a separate enactment provides that any minor between 16 and 18 years of age engaged in an occupation approved by the department of labor and industry shall be considered legally employed and subject to the compensation act if the employer has filed the required permit or certificate.]

MINNESOTA

[The compensation law of this State was amended by chapters 216, 417, and 436, Acts of 1927. The changes made are as follows:

[Sections 4302 A and 4302 B were added to G. S. 1923, by chapter 417, Acts of 1927, providing a new procedure for cases where the employer is a nonresident or a foreign corporation and can not be served with notices; in such cases the claimant may commence an action in the district court of the county where the injured employee resided.

[Section 4325, G. S. 1923 (as amended 1925, ch. 175), was further amended by chapter 216, Acts of 1927, providing that where services for a municipal corporation are performed gratis or without fixed compensation, the daily wage for the purpose of computing compensation shall be taken to be the current wage paid for similar services in municipalities where such services are performed by paid employees.

[Chapter 436, sections 1–6, Acts of 1927, provides a special procedure in case of injury to an employee of any State department except the highway department, and also the head of such department is required to report to the industrial commission any accident to an employee of his department.]

MISSOURI

[The salary of the secretary appointed by the State workmen's compensation commission is fixed by the law at $3,600. In Bulletin No. 423 of the Bureau of Labor Statistics the amount was incorrectly stated as $2,600.]

NEBRASKA

[The compensation law of this State (C. S. 1922, secs. 3024–3084) was amended by chapters 39 and 134, and supplemented by chapter 162, Acts of 1927. The changes are noted below.

[Section 3029 was amended by chapter 134, Acts of 1927, to read as follows:]

SEC. 3029. *Employer's liability.*—(1) The provisions of this act shall apply to the State of Nebraska and every governmental agency created by it, and to every employer in this State employing one or more employees, in the regular trade, business, profession, or vocation of such employer: *Provided*, That railroad companies engaged in interstate or foreign commerce are declared subject to the powers of Congress and not within the provisions of this act. (2) The following are declared not to be hazardous occupations and not within the provisions of this act: Employers of household domestic servants and employers of farm laborers, except as hereinafter provided. (3) Any employer mentioned in subdivision (2) of this section may elect to provide and pay compensation for accidental injuries sustained by any of his employees by insuring and keeping insured his employees in some corporation, association, or organization authorized and licensed to transact the business of workmen's compensation insurance in this State; and the procuring by any such employer of such a policy of insurance which is in full force and effect at the time of an accident to any of his employees shall be conclusive proof of such employer's and his employees' election to be bound by Part II, chapter 28, Compiled Statutes of Nebraska for 1922, or any amendments thereto, to all intents and purposes as if they had not been specifically excluded by the terms of subdivision (2) of this section: *Provided, however*, That any employee of such employer shall have the right, prior to the accident sustained by him, to elect not to accept or be bound by the provisions of this act, the procedure being the same as indicated in subdivision (*b*) of section 103 (3035) of this chapter.

[Sections 3038 and 3049 were amended and sections 2443, 2444, 2445, 2446, and 2447 were repealed by chapter 39, Acts of 1927. The amended sections are as follows:

[Section 3038 (employees) is amended by adding after subsection (1) the following:]

Provided, That for the purposes hereof, volunteer firemen of any fire department of any city or village, which fire department if regularly organized under the laws of the State of Nebraska, shall be deemed employees of such city or village while in the performance of their duties as members of said department.

Provided further, Members of such volunteer fire department shall before they are entitled to the benefits under this act, be recommended by the chief of the fire department for membership therein to the mayor and city commission, the mayor and council, or the chairman and board of trustees, as the case may be, and, upon confirmation shall be deemed employees of the city or village: *And provided further*, Members of such fire department after confirmation to membership, as aforesaid, may be removed by a majority vote of such commission, council, or board, and thereafter shall not be considered employees of such city or village.

[Section 3049 (wages) is amended by adding after the word " overtime " in the last line, the following:]

Provided, In determining the compensation to be paid any member of a voluntary fire department in any city or village, which fire department is regularly organized under the laws of the State of Nebraska, for injuries resulting in disability, received in the performance of his duties as a member of said department, the wages of such fireman shall be taken to be those received by him from his regular employer, and he shall receive such proportion thereof as he is entitled to under the provision of section 3044, Compiled Statutes of Nebraska for 1922: *Provided*, If said fireman is not regularly employed by some other person, for the purpose hereof it shall be deemed and assumed that he is

receiving income from his business or from other employment equivalent to wages in the amount of $35 per week.

Supplemental Law

[Sections 2443, 2444, 2445, 2446, and 2447, C. S. 1922, were repealed by chapter 39, Acts of 1927, relating to the pension and relief of volunteer firemen.

[Sections 3234 and 3235, C. S. 1922, were repealed by chapter 162, Acts of 1927, and a new section was reenacted providing that liens of physicians, nurses, or hospitals for services rendered to injured persons shall not be valid against anyone coming under the workmen's compensation act.]

NEVADA

Supplemental Act

[Chapter 45, Acts of 1927, provides, among other things, that male persons drafted to fight forest fires shall, for the purpose of obtaining the benefits of the workmen's compensation act, be considered employees of the county demanding their services.]

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NEW JERSEY

[The compensation law of this State (Acts of 1911, ch. 95, as amended 1913, ch. 74) was amended by chapters 127 and 324, Acts of 1927, and chapters 135, 136, 149, 163, 224, 225, Acts of 1928. The changes are noted below.

[Chapter 127, Acts of 1927, extended the coverage of the act to include active volunteer firemen.]

[Section 11 (as amended 1919, ch. 93; 1923, ch. 49) was amended by chapter 135, Acts of 1928, to read as follows:]

11. *Disability payments—schedule.*—Following is a schedule of compensation:

(*a*) For injury producing temporary disability, 66⅔ per cent of the wages received at the time of the injury, subject to a maximum compensation of $20 per week and a minimum of $10 per week: *Provided*, That if at the time of the injury the employee receives wages of less than $10 per week, then he shall receive the full amount of such wages per week. This compensation shall be paid during the period of such disability, not, however, beyond 300 weeks.

(*b*) For disability total in character and permanent in quality, 66⅔ per cent of the wages received at the time of injury, subject to a maximum compensation of $20 per week and a minimum of $10 per week: *Provided*, That if at the time of injury the employee receives wages of less than $10 per week then he shall receive the full amount of wages per week. The compensation shall be paid for a period of 400 weeks, at which time compensation payments shall cease unless the employee shall have submitted to such physical or educational rehabilitation as may have been ordered by the rehabilitation commission of the State, and can show that because of such disability it is impossible for him to obtain wages or earnings equal to those earned at the time of the accident, in which case further weekly payments shall be made during the period of such disability, the amount thereof to be the previous weekly compensation payment diminished by that portion thereof that the wage, or earnings, he is then able to earn bears to the wages received at the time of the accident. In calculating compensation for this extension beyond 400 weeks the minimum provision of $10 shall not apply. This extension of compensation payments beyond 400 weeks shall be subject to such periodic reconsiderations and extensions as the case may require, and shall apply only to disability total in character and permanent in quality, and shall not apply to any accident occurring prior to July 4, 1923.

(*c*) For disability partial in character, but permanent in quality, the compensation shall be based upon the extent of such disability. In cases included in the following schedule the compensation shall be that named in the schedule, to wit:

(*d*) For the loss of the thumb, 66⅔ per cent of daily wages during 65 weeks.

(*e*) For the loss of the first finger, commonly called the index finger, 66⅔ per cent of daily wages during 40 weeks.

(*f*) For the loss of a second finger, 66⅔ per cent of daily wages during 30 weeks.

(*g*) For the loss of a third finger, 66⅔ per cent of daily wages during 20 weeks.

(*h*) For the loss of a fourth finger, commonly called little finger, 66⅔ per cent of daily wages during 15 weeks.

(*i*) The loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of one-half of such thumb or finger, and the compensation shall be for one-half of the periods of time above specified. The loss of any portion of the thumb or any finger between the terminal joint and the end thereof shall be compensated for a like proportion of the period of time prescribed for the loss of the first phalange of such member.

(*j*) The loss of the first phalange and any portion of the second shall be considered as the loss of the entire finger or thumb: *Provided, however*, That

in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(*k*) For the loss of a great toe, 66⅔ per cent of daily wages during 30 weeks.

(*l*) For the loss of one of the toes other than a great toe, 66⅔ per cent of daily wages during 10 weeks.

(*m*) The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be for one-half of the period of time above specified.

(*n*) The loss of the first phalange and any portion of the second shall be considered as the loss of the entire toe.

(*o*) For the loss of a hand, 66⅔ per cent of the daily wages during 175 weeks.

(*p*) For the loss of an arm, 66⅔ per cent of daily wages during 230 weeks.

(*q*) For the loss of a foot, 66⅔ per cent of daily wages during 125 weeks.

(*r*) For the loss of a leg, 66⅔-per cent of daily wages during 175 weeks.

(*s*) For the loss of an eye, 66⅔ per cent of daily wages during 100 weeks.

(*t*) For the loss of a natural tooth, 66⅔ per cent of daily wages for 4 weeks for each tooth lost.

(*u*) For the total loss of hearing in one ear, 66⅔ per cent of daily wages during 40 weeks. For the total loss of hearing in both ears by one accident, 66⅔ per cent of daily wages during 160 weeks.

(*v*) The loss of both hands, or both arms, or both feet, or both eyes, or any two thereof as a result of any one accident shall constitute total and permanent disability to be compensated according to the provisions of clause (*b*).

(*w*) In all lesser or other cases involving permanent loss, or where the usefulness of a member or any physical function is permanently impaired, the compensation shall be 66⅔ per cent of daily wages, and the duration of compensation shall bear such relation to the specific periods of time stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule: *Provided, however,* That in cases in which the disability is determined as a percentage of total and permanent disability the duration of the compensation shall be a corresponding portion of 500 weeks. Should the employer and employee be unable to agree upon the amount of compensation to be paid in cases not covered by the schedule, either party may appeal to the workmen's compensation bureau for a settlement of the controversy.

(*x*) Hernia is a disease which ordinarily develops gradually, being very rarely the result of an accident. Where there is a real traumatic hernia resulting from the application of force directly to the abdominal wall, either puncturing or tearing the wall, compensation will be allowed. All other cases will be considered as either congenital or of slow development and not compensable, being a disease rather than an accidental injury; unless conclusive proof is offered that the hernia was immediately caused by such sudden effort or severe strain that, first, the descent of the hernia immediately followed the cause; second, that there was severe pain in the hernial region; third, that there was such prostration that the employee was compelled to cease work immediately; fourth, that the above facts were of such severity that the same was noticed by the claimant and communicated to the employer within 24 hours after the occurrence of the hernia; fifth, that there was such physical distress that the attendance of a licensed physician was required within 24 hours after the occurrence of the hernia. In the case of hernia as above defined, the provisions of paragraphs 13, 14, and 11 (2) shall apply, and until such time as the employee is able to resume some kind of work with the aid of a truss or other mechanical appliance. If the employee refuses to permit of an operation, the employer shall meet the requirements above specified, pay the reasonable costs of the truss or other appliance found necessary, and also pay compensation for 20 weeks, following which the obligation shall cease and determine, unless death results from the hernia, in which case the provisions of paragraph 12 shall apply. However, if the employee shall elect to undergo an operation, by a physician selected by the employer, the employer shall meet all the expense incident to such operation and recovery, not in excess of $150, together with compensation as provided in paragraph 11 (*a*), during the periods of disability prior to and following the operation, subject to the provisions of paragraph 13. If the employee refuses the services of the physician selected by the employer, preferring one of his own selection, the employer shall be relieved of obligations concerning medical expense due to the operation and recovery, but shall pay

compensation during the prior and resulting periods of disability. If death results from the hernia or operation, the provisions of paragraph 12 shall apply.

(*y*) The weekly compensation payments specified in paragraph 11 are all subject to the same limitations as to maximum and minimum as are stated in clause (*a*) hereof.

(*z*) In case of the death of the person from any cause other than the accident, during the period of payments for permanent injury, the remaining payments shall be paid to such of his or her dependents as are included in the provisions of paragraph 12 of this act, or, if no dependents, the remaining amount due, but not exceeding $150, shall be paid in a lump sum to the proper person for funeral expenses: *Provided, however*, That no compensation shall be due any other person than the injured employee on account of compensation being paid in excess of 400 weeks on account of disability total in character and permanent in quality, as provided by paragraph 11 (*b*) hereof.

2. Paragraph 12 of said act is hereby amended to read as follows:

12. In case of death, compensation shall be computed, but not distributed, on the following basis:

(*a*) For one dependent, 35 per cent of wages.

(*b*) For two dependents, 40 per cent of wages.

(*c*) For three dependents, 45 per cent of wages.

(*d*) For four dependents, 50 per cent of wages.

(*e*) For five dependents, 55 per cent of wages.

(*f*) For six or more dependents, 60 per cent of wages.

(*g*) The term "dependents" shall apply to and include any or all of the following who are dependent upon the deceased at the time of accident or death, namely: Husband, wife, parents, stepparents, grandparents, children, stepchildren, grandchildren, child in esse, posthumous child, illegitimate children, brothers, sisters, half brothers, half sisters, niece, nephew. Legally adopted children shall in every particular be considered as natural children: *Provided however*, That dependency shall be conclusively presumed as to the decedent's widow and natural children under 16 years of age who were actually a part of the decedent's household at the time of his death. Every provision of this act applying to one class shall be equally applicable to the other. Should any dependent of a deceased employee die during the period covered by such weekly payments, or should the widow of a deceased employee remarry during such period, the right of such dependent or of such widow to compensation under this section shall cease: *It is further provided*, That the foregoing schedule applies only to persons wholly dependent, and that in the case of persons only partially dependent, except in the case of the widow and children, who were actually a part of the decedent's household at the time of his death, the compensation shall be such proportion of the scheduled percentage as the amounts actually contributed to them by the deceased for their support constituted of his total wages and the provision as to a $10 minimum shall not apply to such compensation. In determining the number of dependents, where the deceased employee was a minor, the number of persons dependent upon said deceased employee shall be determined in the same way as if said deceased employee were an adult, notwithstanding any rule of law as to the person entitled to a minor's wages.

(*h*) Compensation shall be computed upon the foregoing basis. Distribution shall be made among dependents, if more than one, according to the order of the workmen's compensation bureau, which shall, when applied to for that purpose, determine, upon the facts being presented to it, the proportion to be paid to or on behalf of each dependent according to the relative dependency. Payment on behalf of infants shall be made to the surviving parent, if any, or to the statutory or testamentary guardian.

(*i*) If death results from the accident, whether there be dependents or not, expenses of last sickness in accordance with the provisions for medical and hospital service as set forth in paragraph 14 of this act; also the cost of burial, not to exceed $150.

(*j*) In computing compensation to those named in this paragraph, except in the case of husband, wife, parents, and stepparents, only those under 16 or over 40 years of age shall be included, and then only for that period in which they are under 16 or over 40: *Provided, however*, That payments to such physically or mentally deficient persons as are for such reason dependent shall be made during the full term of compensation payment of 300 weeks.

(*k*) The compensation in case of death shall be subject to a maximum compensation of $20 per week and a minimum of $10 per week: *Provided*, That if

at the time of the injury the employee receives wages of less than $10 per week, then the compensation shall be for the full amount of such wages per week. This compensation shall be paid during 300 weeks: *Provided*, That if at the expiration of 300 weeks there shall be one or more dependents under 16 years of age, compensation shall be continued for such dependents until they reach 16 years of age at the schedule provided under clauses (*a*), (*b*), (*c*), (*d*), (*e*), and (*f*) of paragraph 12.

[Section 14 (as amended 1919, ch. 93; 1923, ch. 245) was amended by chapter 149, Acts of 1928, to read as follows:]

14. *Medical, etc., aid.*—The employer shall furnish to the injured workmen such medical, surgical and other treatment, and hospital service as shall be necessary to cure and relieve the workman of the effects of the injury and to restore the functions of the injured member or organ where such restoration is possible: *Provided, however*, That the employer shall not be liable to furnish or pay for physician's or surgeon's services in excess of $50 and in addition to furnish hospital service when necessary in excess of $50, unless the injured workman or the physician who treats him, or any other person on his behalf, shall file a petition with the workmen's compensation bureau stating the need for such physician's or surgeon's services in excess of $50, as aforesaid, and such hospital service or appliances in excess of $50 as aforesaid and the workmen's compensation bureau after investigating the need of the same and giving the employer an opportunity to be heard, shall determine that such physicians' and surgeons' treatment and hospital services are or were necessary, and that the fees for the same are reasonable and shall make an order requiring the employer to pay for or furnish the same. If the employer shall refuse or neglect to comply with the foregoing provisions of this paragraph the employee may secure such treatment and services as may be necessary and as may come within the terms of this paragraph, and the employer shall be liable to pay therefor: *Provided, however*, That the employer shall not be liable for any amount expended by the employee or by any third person on his behalf for any such physicians' treatment and hospital services, unless such employee or any person on his behalf shall have requested the employer to furnish the same and employer shall have refused or neglected so to do, or unless the nature of the injury required such services, and the employer or his superintendent or foreman, having knowledge of such injury shall have neglected to provide the same, or unless the injury occurred under such conditions as make impossible the notification of the employer, or unless the circumstances are so peculiar as shall justify, in the opinion of the workmen's compensation bureau, the expenditure assumed by the employee for such physicians' treatment and hospital services, apparatus and appliances, all fees and other charges for such physicians' and surgeons' treatment, and fees and charges as prevail in the same community for similar physicians', surgeons', and hospital services. When an injured employee may be partially or wholly relieved of the effects of a permanent injury, by use of an artificial limb or other appliance, which phrase shall also include artificial teeth or glass eye, the workmen's compensation bureau, acting under competent medical advice, is empowered to determine the character and nature of such limb or appliance, and to require the employer or his insurance carrier to furnish same.

[Acts of 1918 (ch. 149, sec. 17) was amended by chapter 324, Acts of 1927, to read as follows:]

SEC. 17. *Fees.*—The commissioner of labor and the deputy commissioners may make such rules and regulations for the conduct of such hearing not inconsistent with the provisions of this act or of the act to which this act is a supplement, as may, in his judgment, be necessary. The official conducting any hearing under this act may, in his discretion, allow to the party in whose favor judgment is entered, costs of witness fees and a reasonable attorney fee not exceeding 20 per cent of the judgment; and a reasonable fee not exceeding $50 for any one witness, or $150 in any one case, for medical witnesses residing in the State of New Jersey, when in his judgment, the services of an attorney and medical witnesses were necessary for the proper presentation of the case. When, however, prior to any hearing compensation has been offered or paid, the reasonable allowance for attorney fee shall be based upon only that part of the judgment or award in excess of the amount of compensation theretofore offered or paid. [Added by chapter 224, Acts of 1928]: *Provided, however*, That when the amount of the judgment, or when that part of the

judgment or award in excess of compensation theretofore offered or paid is less than $200, then an attorney fee may be allowed not in excess of $50.

Supplemental Law

[Chapter 136, Acts of 1928, by a separate enactment provides that the commissioner of labor and each deputy commissioner of compensation is authorized to appoint a representative with power to act for a person entitled to compensation when it shall appear that such person is mentally, legally, or physically unable to properly receive or disburse compensation, or who after due diligence can not be located.

[Chapter 163, Acts of 1928, provides that municipalities and fire districts are now empowered to provide compensation insurance for volunteer firemen. The premiums to be paid from the tax levy.

[Chapter 95, Acts of 1911 (as amended 1913, ch. 301), was amended by chapter 225, Acts of 1928, providing that a compromise or composition of a claim on behalf of a minor must be approved by the workmen's compensation bureau instead of by the court of common pleas.]

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NEW MEXICO

[The only law enacted on the subject of workmen's compensation was chapter 100, Acts of 1927, authorizing the State highway commission to take out compensation insurance covering its employees engaged in extrahazardous occupations.]

NEW YORK

[The compensation law of this State (Acts of 1914, ch. 41, as amended to 1922, ch. 615) was amended by chapters 493, 494, 496, 497, 553, 554, 555, 556, 557, and 558, acts of 1927, and chapters 584, 749, 750, 752, 753, 754, and 755, acts of 1928. Other acts directly or indirectly affecting compensation are chapters 166 and 578, Acts of 1927. The changes are indicated below.

[Section 3, subdivision 1, group 18, was amended by chapter 755, acts of 1928, to read as follows:]

Group 18. All other employments, notwithstanding the definition of employment in subdivision 5 of section 2, not hereinbefore enumerated carried on by any person, firm, or corporation in which there are engaged or employed four or more workmen or operatives regularly, in the same business or in or about the same establishment either upon the premises or at the plant or away from the plant of the employer, under any contract of hire, express or implied, oral or written, except farm laborers and domestic servants.

[Section 3, subdivision 2, was amended by chapter 754, Acts of 1928, to read as follows:]

2. Occupational diseases. Compensation shall be payable for disabilities sustained or death incurred by an employee resulting from the following occupational diseases:

COLUMN 1	COLUMN 2
Description of diseases	*Description of process*
1. Anthrax.	1. Handling of wool, hair, bristles, hides or skins.
2. Lead poisoning or its sequelae.	2. Any process involving the use of or direct contact with lead or its preparations or compounds.
3. Zinc poisoning or its sequelae.	3. Any process involving the use of or direct contact with zinc or its preparations or compounds or alloys.
4. Mercury poisoning or its sequelae.	4. Any process involving the use of or direct contact with mercury or its preparations or compounds.
5. Phosphorous poisoning or its sequelae.	5. Any process involving the use of or direct contact with phosphorous or its preparations or compounds.
6. Arsenic poisoning or its sequelae.	6. Any process involving the use of or direct contact with arsenic or its preparations or compounds.
7. Poisoning by wood alcohol.	7. Any process involving the use of wood alcohol or any preparation containing wood alcohol.
8. Poisoning by benzol or nitro, hydro, and amido derivatives of benzene (dinitro-benzol, anilin, and others), or its sequelae.	8. Any process involving the use of or direct contact with benzol or a nitro, hydro, or amido derivative of benzene or its preparations or compounds.
9. Poisoning by carbon bisulphide or its sequelae.	9. Any process involving the use of or direct contact with carbon bisulphide or its preparations or compounds.

COLUMN 1	COLUMN 2
10. Poisoning by nitrous fumes or its sequelae.	10. Any process in which nitrous fumes are evolved.
11. Poisoning by nickel carbonyl or its sequelae.	11. Any process in which nickel carbonyl is evolved.
12. Dope poisoning (poisoning by tetrachlor-methane or any substance used as or in conjunction with a solvent for acetate of cellulose or its sequelae.	12. Any process involving the use of or direct contact with any substance used as or in conjunction with a solvent for acetate of cellulose.
13. Poisoning by formaldehyde and its preparations.	13. Any process involving the use of or direct contact with formaldehyde and its preparations.
14. Chrome ulceration or its sequelae.	14. Any process involving the use of or direct contact with chromic acid or bichromate of ammonium, potassium, or sodium, or their preparations.
15. Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye, due to tar, pitch, bitumen, mineral oil, or paraffin, or any compound, product or residue of any of these substances.	15. Handling or use of tar, pitch, bitumen, mineral oil, or paraffin, or any compound, product, or residue of any of these substances.
16. Glanders.	16. Care or handling of any equine animal or the carcass of any such animal.
17. Compressed air illness or its sequelae.	17. Any process carried on in compressed air.
18. Miners' diseases, including only cellulitis, bursitis, ankylostomiasis, tenosynovitis, and nystagmus.	18. Any process involving mining.
19. Cataract in glassworkers.	19. Processes in the manufacture of glass involving exposure to the glare of molten glass.

[Section 13 was amended by chapter 553, Acts of 1927, to read as follows:]

SEC. 13. *Treatment and care of injured employees.*—The employer shall promptly provide for an injured employee such medical, surgical or other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus for such period as the nature of the injury or the process of recovery may require. If the employer fail to provide the same, after request by the injured employee, such injured employee may do so at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for such treatment or service unless he shall have requested the employer to furnish the same and the employer shall have refused or neglected to do so, or unless the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide the same; nor shall any claim for medical or surgical treatment be valid and enforceable, as against such employer, unless within 20 days following the first treatment, the physician giving such treatment, furnish to the employer and the industrial commissioner a report of such injury and treatment, on a form prescribed by the industrial commissioner. The board may, however, by the unanimous vote of all the qualified members, excuse the failure to give such notice within 20 days when it finds it to be in the interest of justice to do so, and may, subject to the limitations contained in section 28 of this chapter, make an award for the reasonable value of such medical or surgical treatment. All fees and other charges for such treatment and services, whether furnished by the employer or otherwise, shall be subject to regulation by the board as provided in section 24 of this chapter, and shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living. The liability of an employer for medical treatment as herein provided shall not be affected by the fact that his employee was injured through the fault or negligence of a third party, not in the same employ, unless and until notice

of election to sue or the bringing of suit against such third party. The employer shall, however, have an additional cause of action against such third party to recover any amounts paid by him for such medical treatment, in like manner as provided in section 29 of this chapter.

[Section 14, subdivision 3, was amended by chapter 754, Acts of 1928, to read as follows:]

3. If either of the foregoing methods of arriving at the annual average earnings of an injured employee can not reasonably and fairly be applied, such annual average earnings shall be such sum as, having regard to the previous earnings of the injured employee and of other employees of the same or most similar class, working in the same or most similar employment, or other employment as defined in this chapter, in the same or neighboring locality, shall reasonably represent the annual earning capacity of the injured employee in the employment in which he was working at the time of the accident.

[Section 15, subdivision 2, was amended by chapter 555, Acts of 1927, to read as follows:]

2. Temporary total disability. In case of temporary total disability, 66⅔ per cent of the average weekly wages shall be paid to the employee during the continuance thereof, but not in excess of $5,000, except as otherwise provided in this chapter.

[Section 15, subdivision 3, paragraph *m*, was amended by chapter 554, Acts of 1927, to read as follows:]

m. Loss of hearing: Compensation for the complete loss of the hearing of one ear, for 60 weeks; for the loss of hearing of both ears, for 150 weeks.

[Section 15, subdivision 3, paragraph *o*, was amended by chapter 754, Acts of 1928, to read as follows:]

o. Amputated arm or leg: Compensation for an arm or a leg, if amputated at or above the wrist or ankle, shall be for the proportionate loss of the arm or leg.

[Section 15, subdivision 4, was amended by chapter 556, Acts of 1927, by adding a new subdivision (*d*) to read as follows:]

d. If there be no surviving wife (or dependent husband) and no surviving child or children of the deceased under the age of 18 years, then to such dependent or dependents as defined in section 16 of this chapter, as directed by the board.

[Section 15, subdivision 5, was amended by chapter 555, Acts of 1927, to read as follows:]

5. Temporary partial disability: In case of temporary partial disability resulting in decrease of earning capacity, the compensation shall be two-thirds of the difference between the injured employee's average weekly wages before the accident and his wage-earning capacity after the accident in the same or another employment but shall not exceed in total $4,000.

[Section 15, subdivision 6, was amended by chapter 558, Acts of 1927, to read as follows:]

6. Maximum and minimum compensation for disability: Compensation for permanent or temporary partial disability shall not exceed $20 per week nor be less than $8 per week; compensation for permanent or temporary total disability shall not exceed $25 per week, nor be less than $8 per week: *Provided, however*, That if the employee's wages at the time of injury are less than $8 per week, he shall receive his full weekly wages.

[Section 15 was amended by chapter 557, Acts of 1927, by adding a new subdivision, 6–a, to read as follows:]

6–a. Reclassification of disabilities. The board may, within one year from the date of accident, upon its own motion, or on application of any party in interest, reclassify a disability upon proof that there has been a change in condition, or that the previous classification was erroneous and not in the interest of justice.

[Section 15, subdivision 8, was amended by chapter 493, Acts of 1927, to read as follows:]

8. Permanent total disability after permanent partial disability: If an employee who has previously incurred permanent partial disability through the loss of one hand, one arm, one foot, one leg, or one eye, incurs permanent total disability through loss of another member or organ, he shall be paid, in addition to the compensation for permanent partial disability provided in this section and after the cessation of the payments for the prescribed period of weeks special additional compensation for the remainder of his life to the amount of 66⅔ per cent of the average weekly wage earned by him at the time the total permanent disability was incurred. Such additional com-

pensation shall be paid out of a special fund created for such purpose in the following manner: The employer, or if insured, his insurance carrier, shall pay into such special fund for every case of injury causing death in which there are no persons entitled to compensation the sum of $500. The commissioner of taxation and finance shall be the custodian of this special fund, and the commissioner shall direct the distribution thereof.

[Section 19a was added by chapter 496, Acts of 1927, providing that physicians in the employ of the labor department for examination of claimants are now prohibited from accepting fees from compensation insurance carriers or from self-insurers.

[Section 19b was added by chapter 752, Acts of 1928, providing that no physician in the employ of the department of labor may treat any claimant, or recommend that a claimant be treated by any particular physician, but he may recommend the kind of treatment needed. Upon the failure of employer or insurer to prescribe treatment within five days after being so directed, the claimant may secure the same at the expense of the employer or carrier.

[Section 20 was amended by chapter 754, Acts of 1928, providing that hearings before a referee shall continue before the same referee until final determination, if possible.

[Section 22 was amended by chapter 754, Acts of 1928, providing that an award may be reviewed upon proof of erroneous wage rate; that an award may be made effective from the date of the injury in the event the compensation rate is increased, and if part of the compensation is unpaid and the rate is decreased it may be made effective from the date of the injury.

[Section 23 was amended by chapter 754, Acts of 1928, to give to any party applying to the board for modification or rescindment of a referee's award or decision within 20 days after the referee makes it, an extension of appeal time beyond the 30 days' limit otherwise applicable. It allows 20 days for appeal from the board's action upon the application. The appeal time may thus stretch out to 40 days or more. To check employers and carriers from applying for modification or rescindment or taking appeal merely to delay payment, the board may levy not to exceed $25 additional compensation upon them. Appeal may be taken from part of an award, in which case the part not appealed from may be paid without prejudicing rights as to the appealed part.

[A new section, 24–a, was added by chapter 749, Acts of 1928, to read as follows:]

SEC. 24–*a. Representation before the industrial board.*—No person, firm, or corporation, other than an attorney and counsellor-at-law, shall appear on behalf of any claimant or person entitled to the benefits of this chapter, before the industrial board or any officer, agent, or employee of the department assigned to conduct any hearing, investigation, or inquiry relative to a claim for compensation or benefits under this chapter, unless he shall be a citizen of the United States, and shall have obtained from the commissioner a license authorizing him to appear in matters or proceedings before the department. Such license shall be issued by the commissioner upon recommendation of the board, and in accordance with the rules established by the board. The board, in its rules, shall provide for the issuance of licenses to representatives of charitable and welfare organizations, or to associations who employ a representative to appear for members of such association, upon certification of the proper officer of such association or organization, which licenses shall issue without charge; and may provide for a license fee in the case of all other persons, firms, or corporations in an amount to be fixed by said rules, not exceeding the sum of $100 a year. The board may further provide in its rules for such tests of character and fitness as it may deem necessary.

There shall be maintained in each office of the department a registry or list of persons to whom licenses have been issued as provided herein, which list shall be corrected as often as licenses are issued or revoked. Absence of a record of a license issued as herein provided shall be prima facie evidence that a person, firm, or corporation is not licensed to represent claimants.

Any such license may be revoked by the commissioner, for cause, and on the recommendation of the board, after a hearing before such board, shall be revoked by the commissioner. No license hereunder shall be issued for a period longer than one year from the date of its issuance. The provisions of this section shall not apply to a regular employee of a self-insured employer or of an insurance carrier appearing on behalf of his employer.

No fee or allowance, in accordance with the provisions of section 24 of this chapter, shall be made for services rendered by any such person, firm, or cor-

poration who has received a license hereunder without payment of a license fee.

[Section 25 (as amended 1926, ch. 260) was amended by chapter 497, Acts of 1927, so that for failure to notify the commissioner of the cessation of compensation payments the penalty now is $25 instead of $100, and is in the discretion of the commissioner after a hearing.

[Section 28 was amended by chapter 754, acts of 1928, to read as follows:]

SEC. 28. *Limitations.*—The right to claim compensation under this chapter shall be barred, except as hereinafter provided, unless within one year after the accident, or if death results therefrom, within one year after such death, a claim for compensation shall be filed with the commissioner, but the employer and insurance carrier shall be deemed to have waived the bar of the statute unless the objection to the failure to file the claim within one year is raised on the first hearing on such claim at which all parties in interest are present. No case in which an advance payment is made shall be barred by the failure of the employee to file a claim, and the board may at any time order a hearing on any such case in the same manner as though a claim for compensation had been filed. The board may, however, by unanimous vote of the members qualified to act, permit the filing of a claim for compensation after the expiration of one year from the date of accident, but not exceeding two years after the date of such accident, when it shall find that such filing shall be in the interest of justice; and may order a hearing and make such award or decision on such claim as though the claim for compensation had been filed within the time prescribed in this section.

[Section 40 was amended by chapter 754, Acts of 1928, to read as follows:]

SEC. 40. *Time limit.*—Neither the employee nor his dependents shall be entitled to compensation for disability or death resulting from disease unless the disease is due to the nature of his employment and contracted therein, or in a continuous employment similar to the one in which he was engaged at the time of his disablement, within the 12 months previous to the date of disablement, whether under one or more employers.

[Section 45 was amended by chapter 754, Acts of 1928, to read as follows:]

SEC. 45. *Notice.*—The employer to whom notice of death or disability is to be given, or against whom claim is to be made by the employee, shall be the employer who last employed the employee during the said 12 months in the employment to the nature of which the disease was due and such notice and claim shall be deemed seasonable as against prior employers. The requirements as to notice as to occupational disease and death resulting therefrom shall be the same as required in section 18 of this chapter, except that the notice shall be given to the commissioner and the employer within 90 days after the disablement.

[Section 50, subdivision 3–a (as amended 1923, ch. 557), was amended by chapter 494, Acts of 1927, by providing that where a city or village participating in a special mutual insurance plan is situated in two counties, instead of apportioning the liability between the counties the city or village may now elect with which county it will carry all its insurance.

[Section 50, subdivision 3–b, was added by chapter 584, Acts of 1928, and reads as follows:]

3–b. No person, firm, or corporation, other than an attorney and counsellor at law, shall solicit the business of representing, or engage in representing self-insurers, as defined in subdivision 3 of this section, before the board or any officer, agent, or employee of the department assigned to conduct any hearing, investigation, or inquiry relative to a claim for compensation or benefits under this chapter, unless he shall be a citizen of the United States or a corporation organized under the laws of the State of New York, and shall have obtained from the commissioner a license authorizing him to appear in matters or proceedings before the department.

Such license shall be issued by the commissioner upon the recommendation of the board and in accordance with the rules established by the board.

The board in its rules may provide for the issuance of licenses to persons, firms, or corporations upon such proof of character and fitness as it may deem necessary, and may provide for a license fee in an amount not exceeding $100 a year, and for the giving of a bond running to the people of the State of New York, conditioned upon the faithful performance of all duties required of such person, firm, or corporation, and in an amount to be fixed by the board in its rules. Such bond shall be approved by the commissioner as to form and sufficiency and shall be filed with the commissioner.

There shall be maintained in each office of the department a registry or list of all persons to whom licenses have been issued, as provided herein, which list shall be corrected as often as licenses are issued or revoked. Absence of record of the license issued, as herein provided, shall be prima facie evidence that a person, firm, or corporation is not licensed to represent self-insurers.

Any such license may be revoked by the commissioner for cause, and on the recommendation of the board, after a hearing before such board, shall be revoked by the commission.

No license shall be issued hereunder for a period longer than one year from the date of its issuance. The provisions of this section shall not apply to a regular employee of a self-insured employer.

[Section 54, subdivision 4, was amended by chapter 754, Acts of 1928, by providing that every contract of insurance issued by an insurance carrier covering the liability of an employer for the payment of compensation shall be deemed to include all employees of the employer employed at or in connection with the business of the employer carried on at the locations set forth in the contract, unless they are expressly excluded.

[Section 90 was amended by chapter 750, Acts of 1928, to read as follows:]

SEC. 90. *Creation of State fund.*—There is hereby created a fund to be known as "the State insurance fund," for the purpose of insuring employers against liability for personal injuries or death sustained by their employees and of assuring to the persons entitled thereto the compensation and benefits provided by this chapter or by any act providing for compensation now or hereafter enacted by the Congress of the United States of America if such liability is incident to an employment carried on in this State. Such fund shall consist of all premiums received and paid into the fund, of property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon moneys belonging to the fund and deposited or invested as herein provided. Such fund shall be applicable to the payment of losses sustained on account of insurance and to the payment of expenses in the manner provided in this chapter. Such fund shall be administered by the industrial commissioner.

[Section 110 was amended by chapter 754, acts of 1928, by requiring the reporting of only those injuries which cause loss of time beyond the day or working shift on which the accident occurred, or which require medical treatment beyond ordinary first aid; and whenever directed by the commissioner an employer shall report any other accident resulting in an injury or an occupational disease incurred by an employee in the course of his employment.

[Section 126 was amended by chapter 753, Acts of 1928, by requiring the industrial commissioner to exhibit in his office to all insurance carriers, for 30 days, an itemized statement of the expense of administering the compensation law, following notice to all of them and before assessment of the expenses upon them.]

SUPPLEMENTAL LAW

[The following supplemental laws were enacted in 1927:

[Article 2, chapter 50, Acts of 1921, was amended by chapter 166, Acts of 1927. The labor law of the State was amended to conform to the State department law. The term of office of the industrial commissioner is changed from four years to the end of the appointing governor's term and until his successor is appointed. The salary of the industrial commissioner is increased from $8,000 to $12,000, and the salary of members of the board is increased from $8,000 to $8,500.

[Section 50, chapter 15, subdivision 8, Acts of 1909 (as amended by ch. 669, acts of 1925), was amended by chapter 578, Acts of 1927, providing that persons entitled to a pension or death benefit under the public employees' retirement system are not entitled to benefits under the workmen's compensation act.]

NORTH DAKOTA

[The compensation law of this State (Acts of 1919, ch. 162) was amended by chapters 284, 285, 286, acts of 1927. The changes are indicated below.

[Section 3 (as amended 1921, ch. 141; 1925, ch. 223) was further amended by chapter 286, Acts of 1927, to read as follows:]

SECTION 3. *Benefits—medical, etc., aid—Schedule.*—On and after July 1, 1919, it shall be the duty of the workmen's compensation bureau hereinafter created to disburse compensation from the North Dakota workmen's compensation fund to any employee subject to this act for injury arising in the course of employment in accordance with the following provisions:

A. Immediately after an injury sustained by an employee and during the resulting period of disability, the North Dakota workmen's compensation fund shall furnish to such employee such medical, surgical, and hospital service and supplies as the nature of the injury may require.

B. During the first seven days of disability the employee shall not be entitled to compensation, except as provided in the preceding paragraph: *Provided*, That if the period of disability exceeds seven days compensation shall be paid from the date of the injury.

C. If the injury cause temporary or permanent total disability, the North Dakota workmen's compensation fund shall pay to the disabled employee during such disability a weekly compensation equal to 66⅔ per cent of his weekly wage: *Provided, however*, That if the disability be permanent total disability the total amount payable shall not exceed $15,000.

D. If the injury cause temporary partial disability, the North Dakota workmen's compensation fund shall pay to the disabled employee during such disability a weekly compensation equal to 66⅔ per cent of his loss in earning capacity.

E. If the injury cause permanent, partial disability, the percentage which such disability bears to total disability, taking into consideration the employee's age and occupation, shall be determined, and the North Dakota workmen's compensation fund shall pay to the disabled employee a weekly compensation equal to 66⅔ per cent of his weekly wages for the following periods:

	Weeks
For a 1 per cent disability	5
For a 10 per cent disability	50
For a 20 per cent disability	100
For a 30 per cent disability	150
For a 40 per cent disability	200
For a 50 per cent disability	250
For a 60 per cent disability	300
For a 70 per cent disability	350
For an 80 per cent disability	400
For a 90 per cent disability	450

And the following shall be the schedule of specific benefits to be allowed for specific injuries:

	Minimum	Maximum
1. For loss of arm at shoulder, 234 weeks	$1,404.00	$4,680.00
2. For loss of arm at or above elbow, 213.5 weeks	1,281.00	4,270.00
3. For loss of hand at or above wrist, 195 weeks	990.00	3,900.00
4. For loss of thumb, 45 weeks	270.00	900.00
5. For loss of second or distal phalange of thumb, 22.5 weeks	125.00	450.00
6. For loss of first finger, 29.25 weeks	175.50	585.00
7. For loss of middle or second phalange of first finger, 19.5 weeks	117.00	390.00
8. For loss of third or distal phalange of first finger, 9.75 weeks	58.50	195.00
9. For loss of second finger, 24.75 weeks	148.50	495.00
10. For loss of middle or second phalange of second finger, 16.5 weeks	99.00	330.00
11. For loss of third or distal phalange of second finger, 8.25 weeks	49.50	165.00
12. For loss of third finger, 15.75 weeks	94.50	315.00
13. For loss of middle or second phalange of third finger, 10.5 weeks	63.00	210.00
14. For loss of third or distal phalange of third finger, 5.25 weeks	31.50	105.00
15. For loss of fourth finger, 13.5 weeks	81.00	270.00
16. For loss of middle or second phalange of fourth finger, 9 weeks	54.00	180.00
17. For loss of third or distal phalange of fourth finger, 4.5 weeks	27.00	90.00
18. For loss of leg at the hip, 234 weeks	1,404.00	4,680.00
19. For loss of leg at or above the knee, 195 weeks	990.00	3,900.00
20. For loss of foot at or above the ankle, 136.5 weeks	819.00	2,730.00
21. For loss of great toe, 19.5 weeks	117.00	390.00
22. For loss of any other toe, 7.5 weeks	45.00	150.00
23. For loss of sight of an eye, 9.75 [97.5] or 100 weeks	585.00	1,950.00
24. For loss of hearing in one ear, 29.25 weeks	175.50	585.00
25. For loss of hearing in both ears, 156 weeks	936.00	3,120.00

F. The weekly compensation for total disability shall not be more than $20 nor less than $6 unless the employee's weekly wages are less than $6, in which case his weekly compensation shall be the actual amount of his weekly wages. The weekly compensation for partial disability shall not be more than $20. If the injured person was at the time of the injury a minor or employed in a learner's capacity, and not physically or mentally defective, the bureau shall, from time to time, determine the probable increase in weekly earning capacity of such person if such injury had not occurred, and shall base its award for compensation upon such probable weekly wage-earning capacity.

G. If death results from an injury within six years, the North Dakota workmen's compensation fund shall pay to the following persons for the periods specified a weekly compensation equal to the following percentages of the deceased employee's weekly wages: *Provided, however*, That no compensation shall be paid where death takes place more than one year after the cessation of disability resulting from the injury, or, if there has been no disability preceding death, if death takes place more than one year after the injury: *And provided further*, That the total amount payable shall not exceed the sum of $15,000, in addition to the amounts paid for compensation and medical and hospital expense during temporary disability.

[(*a*), (*b*), (*c*), and (*d*). No change.]

(*e*) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, 25 per cent; if both are wholly dependent, 20 per cent to each; if one or both are partially dependent, a proportionate amount in the discretion of the bureau. The foregoing percentages shall be paid only if there is no widow, widower, or child. If there is a widower, widow, or child, there shall be paid only so much of the foregoing percentages as, when added to the total of the percentages, payable to the widow, widower, and children, shall not exceed the total of 66⅔ per cent: *Provided*, That any compensation so payable to the parents, if there is a widow, widower, or child, shall not be included in the limitation of $15,000 referred to in paragraph G.

(*f*) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, 20 per cent to such dependent; if more than one are wholly dependent, 30 per cent, divided among such dependents, share and share alike; if none of them are wholly dependent but one or more are partly dependent, 10 per cent divided among such dependents, share and share alike. The foregoing percentages shall be paid only if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid only so

much of the foregoing percentages as, when added to the total percentages payable to the widow, widower, children, and dependent parents, shall not exceed a total of 66⅔ per cent: *Provided*, That any compensation payable to any dependents under this paragraph, if there is a widow, widower, child, or dependent parent, shall not be included in the limitation of $15,000 referred to in paragraph G.

[(*g*), (*h*), (*i*), (*j*), and (*k*). No change.]

[(*l*) and (*m*) are new provisions:]

(*l*) In case of death or of permanent, total, or of permanent partial disability, and if the bureau determines that it is for the best interest of the beneficiary, the liability for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at 4 per cent discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed 416 weeks' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

(*m*) If death results from the injury within six years the North Dakota Workmen's Compensation Fund shall pay to the personal representative of the deceased employee burial expenses not to exceed $150.

[Section 4 (as amended 1921, ch. 145; 1925, ch. 220) was further amended by chapter 285, Acts of 1927, by providing that failure to comply with reasonable safety regulations within 10 days after notice from the compensation bureau is a misdemeanor punishable by a fine of $10 to $100; that the compensation bureau is authorized to designate individuals for inspection of safety regulations; that the salary of members of the compensation bureau is increased from $2,500 to $2,800. In place of the limitation of $55,000 for administrative expenses of the compensation bureau, an appropriation of $120,000 is made for the period ending June 30, 1929.]

Supplemental Law

Chapter 284.—*Investment of compensation funds*

Section 1. The workmen's compensation bureau is hereby authorized, at its discretion, to invest the moneys in the workmen's compensation fund in bonds or certificates of indebtedness of the State of North Dakota, or of any political subdivision thereof.

Sec. 2. Such investment shall not be made except upon resolution duly entered upon the minutes of the bureau by a majority vote of all the members of said bureau directing the same and such securities shall have the approval of the attorney general as to the form and legality thereof: *Provided*, That the treasurer of the State of North Dakota, shall be, and he is hereby, made the custodian of all such bonds and certificates of indebtedness, purchased or acquired by the workmen's compensation bureau hereunder, and it shall be the duty of such bureau to deliver the same to the said State treasurer, as such custodian thereof.

OREGON

[The compensation law of this State was amended by chapters 188, 208, 216, 227, 312, 326, 413, 414, Acts of 1927. The changes are indicated below.

[Section 6613, Laws of 1920, was amended by chapter 413, Acts of 1927, by providing that the governor is now required to make an annual audit of the funds of the industrial accident commission, and report results to the legislature.

[Section 6614-1 was added to the Laws of 1920 by chapter 326, section 1, Acts of 1927:]

SECTION 6614-1. *Rejection of law by State.*—If the State or any State department, county, incorporated city or town, school district, irrigation district, or political subdivision of the State or any county shall engage as an employer in any hazardous occupation as defined in this act, it shall not have the right to reject the provisions and benefits of this act: *Provided, however,* That this section shall not apply to ports or port commissions nor to cities having a population of more than 100,000.

[Section 6615, Laws of 1920, was amended by chapter 312, Acts of 1927, by omitting the provision formerly contained in the section, that it shall not apply to workmen under legal working age.

[Section 6617, subparagraph (*m*), Laws of 1920 (as amended 1925, ch. 40), was further amended by chapter 326, section 2, Acts of 1927, to read as follows:]

(*m*) The work performed by salaried peace officers and firemen of the State and the counties and municipal corporations of the State, and employees of the State or any political subdivision thereof engaged in the operation of bridges solely within the State. The State and such counties and municipal corporations shall be deemed employers under the terms of this act and shall pay to the accident fund the payments required of employers by this act: *Provided, however,* That if any such municipal corporation has provided by municipal ordinance or by its charter for the compensation of such peace officers or firemen injured in the course of their employment, such officers so protected shall not be entitled to the benefits of this act.

[Section 6619–1, added to the Laws of 1920 by chapter 414, Acts of 1927, reads as follows:]

SEC. 6619–1. *Dependents of common-law marriage.*—That in case an unmarried man and an unmarried woman shall have cohabited in the State of Oregon as husband and wife for over one year prior to the date of an accidental injury received by such man, and children shall be living as a result of said relation, said woman and said children shall be entitled to compensation under this act the same as if said man and woman had been legally married.

[Section 6620, Laws of 1920, was amended by chapter 312, Acts of 1927, by providing that employers and employees about to engage in hazardous occupations must now elect not to come under the act and file notice with the commission prior to the time of so engaging instead of within three days as heretofore.

[Section 6623, Laws of 1920, was amended by chapter 312, Acts of 1927, providing that the employee must serve notice of his nonacceptance of the act prior to or at the time of beginning of such hazardous employment instead of as formerly having three days' time in which to serve notice.

[Section 6624, Laws of 1920 (as amended 1925, ch. 133), was further amended by chapter 312, Acts of 1927, by providing that the amount to be transferred from the industrial fund to the catastrophe fund is increased from 1 per cent to 1½ per cent of total monthly contributions received; and the commission is now authorized temporarily to reduce the percentage of monthly receipts to be transferred to the catastrophe fund.

[Section 6625, Laws of 1920 (as amended 1921, ch. 311; 1923, ch. 256; 1925, ch. 360), was further amended by chapter 188, Acts of 1927, to read as follows:]

SEC. 6625. *Industrial accident fund.*—There is hereby created a fund to be known as the industrial accident fund, which fund shall be held by the State

treasurer and by him deposited in such banks as are authorized to receive deposits of general funds of the State. All moneys received by the commission hereunder shall be by it paid forthwith to the State treasurer and shall become a part of the industrial accident fund. All payments authorized by this act, including all salaries, clerk hire, and all other expenses, shall be made from the industrial accident fund.

[Section 6636, Laws of 1920 (as amended 1925, ch. 133), was further amended by chapter 326, section 3, Acts of 1927, to read as follows:]

SEC. 6636. *Public employees—Nonhazardous employments.*—The State, State departments, school districts, irrigation districts, ports, and port commissions or other agencies of the State, counties, and incorporated city or town within the State, or any employer engaged in any occupation other than those defined in section 6617 hereof, or any municipal corporation not otherwise under this act, engaged in a hazardous occupation, may make written application to the commission to fix a rate of contribution for such occupation, and thereupon it shall be the duty of the commission to fix such rate, which shall be based on the hazard of such occupation in relation to the hazards of the occupations for which rates are prescribed by section 6624 hereof. Such applicant may file notice in writing with the commission of his or its election to contribute under this act, and shall forthwith display in a conspicuous manner about its works and in a sufficient number of places to reasonably inform his or its workmen of the fact, printed notices furnished by the commission stating that he or it has elected to contribute to the fund. Any workman in the employ of such applicant shall be entitled, upon notice of election by his employer to contribute to the accident fund, to give a written notice to such employer of his election not to become subject to this act. The employer and such of his or its workmen as shall not have given such written notice of their election to the contrary shall be subject to all of the provisions of this act and entitled to all of the benefits thereof. Any employer, including the State, State departments, school districts, irrigation districts, or other agencies of the State, counties, and cities becoming subject to this act in the manner prescribed in this section, shall pay the rate so fixed by the commission and shall be entitled to a reduction of such rate in the manner provided by section 6624 hereof, and shall retain and pay to the commission the proportion of his workmen's wages prescribed by section 6624 hereof.

[Sections 6640 and 6641, Laws of 1920, were repealed by chapter 227, Acts of 1927, relative to the temporary increase of 30 per cent in compensation by the laws of 1920, chapter 5.

[Section 6644, Laws of 1920, was amended by chapter 208, Acts of 1927, to read as follows:]

SEC. 6644. *Deductions must be reasonable.*—It shall be lawful for an employer to collect or deduct a portion of the wages of his employees for medical, surgical, or hospital care and attention in such an amount and in such a manner as may be reasonable: *Provided*, That it shall be unlawful to deduct more than 10 cents per day from the wages of any employee for the first three days of employment, and thereafter additional deductions may be made as may be reasonable: *Provided further*, That if any employee shall complain to the industrial accident commission as to the amount or manner of said deduction, then it shall be unlawful, after notice by said commission, for any employer to deduct or accept any portion of the wages of his employees, except in the manner and amounts approved by the said industrial accident commission: *Provided further*, That it shall be unlawful to make deductions from the wages of any employee in the first calendar month of his employment, who files with his employer a receipt from a former employer showing that deductions for said calendar month have been made from his wages for the purposes stated in this act: *Provided*, That it shall be unlawful for any employer to directly or indirectly retain any portion of the said fund, so collected, for his own use or benefit, it being the intention of this act that the money so collected by the employer shall be a trust fund and shall be kept in separate accounts and promptly paid over for the purpose for which it is so collected, and shall in no event become a part of the assets of any such employer; and in the event said fund should become commingled with the funds of the employer and the said employer should become bankrupt, insolvent, or go through voluntary or involuntary liquidation, the amount thereof shall be entitled to the same preference given to claims of the State industrial accident commission as provided in section 6629, Oregon Laws, as amended.

SUPPLEMENTAL LAW

[Chapter 216, Acts of 1927, provides that every insurance policy under the compensation act shall contain a provision that insolvency of the insured shall not relieve the insurance carrier of liability.

[Chapter 326, section 4, Acts of 1927, reads as follows:]

SEC. 4. Any rejection of the benefits of chapter 1, Title XXXVII, Oregon Laws, known as the workmen's compensation law, heretofore filed by the State or any State department, county, incorporated city, or town except cities having a population of more than 100,000, school district, irrigation district, or other political subdivision of the State or any county shall be terminated upon this act becoming effective in so far as such rejection applies to any hazardous occupation as defined by said workmen's compensation law.

PENNSYLVANIA

[The compensation law of this State (Acts of 1915, Act 338) was amended by chapters 156, 164, and 271, Acts of 1927. The changes are noted below:

[Section 306 (as amended 1919, No. 277; 1921, No. 342; 1923, No. 29) was further amended by chapter 156, Acts of 1927, to read as follows:]

SEC. 306. *Schedule, medical, etc., aid.*—The following schedule of compensation is hereby established for injuries resulting in total disability:

(*a*) For the first 500 weeks after the seventh day of total disability, 65 per cent of the wages of the injured employee as defined in section 309; but the compensation shall not be more than $15 per week nor less than $7 per week and shall not exceed in aggregate the sum of $6,500: *Provided,* That, if at the time of injury the employee receives wages of less than $7 per week, then he shall receive the full amount of such wages per week as compensation. Nothing in this clause shall require payment of compensation after disability shall cease. Should partial disability be followed by total disability, the period of 500 weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability.

(*b*) For disability partial in character except the particular cases mentioned in clause (*c*), 65 per cent of the difference between the wages of the injured employee, as defined in section 309, and the earning power of the employee thereafter; but such compensation shall not be more than $15 per week. This compensation shall be paid during the period of such partial disability; not, however, beyond 300 weeks after the seventh day of such partial disability. Should total disability be followed by partial disability, the period of 300 weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for such total disability.

(*c*) For all disability resulting from permanent injuries of the following classes, the compensation shall be exclusively as follows:

For the loss of a hand, 65 per cent of wages during 175 weeks.

For the loss of an arm, 65 per cent of wages during 215 weeks.

For the loss of a foot, 65 per cent of wages during 150 weeks.

For the loss of a leg, 65 per cent of wages during 215 weeks.

For the loss of an eye, 65 per cent of wages during 125 weeks.

For the loss of a thumb, 65 per cent of wages during 60 weeks.

For the loss of a first finger, commonly called index finger, 65 per cent of wages during 35 weeks.

For the loss of a second finger, 65 per cent of wages during 30 weeks.

For the loss of a third finger, 65 per cent of wages during 20 weeks.

For the loss of a fourth finger, commonly called little finger, 65 per cent of wages during 15 weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered equivalent to the loss of one-half of such thumb or finger, and shall be compensated at the same rate as for the loss of a thumb or finger, but for one-half of the period provided for the loss of a thumb or finger.

The loss of more than one phalange of a thumb or finger shall be considered equivalent to the loss of the entire thumb or finger.

For the loss of any two or more such members or the permanent loss of the use of the hand, arm, foot, leg, or eye, as hereinbefore provided, not constituting total disability, 65 per cent of wages during the aggregate of the periods specified for each.

For serious and permanent disfigurement of the head or face of such a character as to produce an unsightly appearance, and such as is not usually incident to the employment, 65 per cent of wages not to exceed 150 weeks.

Unless the board shall otherwise determine, the loss of both hands or both arms or both feet or both legs or both eyes shall constitute total disability, to be compensated according to the provisions of clause (*a*).

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm, and amputation at or above the knee shall be considered as the loss of a leg. Permanent loss of the use of a hand, arm, foot [or] eye, finger or thumb shall be considered as the equivalent of the loss of such hand, arm, foot, leg [or] eye, finger, or thumb.

This compensation shall not be more than $15 per week nor less than $7 per week: *Provided*, That, if at the time of injury the employee receives wages of less than $7 per week, then he shall receive the full amount of such wages per week as compensation.

(*d*) No compensation shall be allowed for the first seven days after disability begins, except as hereinafter provided in clause (*e*) of this section.

(*e*) During the first 30 days after disability begins, the employer shall furnish reasonable surgical and medical services, medicines, and supplies, as and when needed, unless the employee refuses to allow them to be furnished by the employer. The cost of such services, medicines, and supplies shall not exceed $100. If the employer shall, upon application made to him, refuse to furnish such services, medicines, and supplies, the employee may procure the same and shall receive from the employer the reasonable cost thereof within the above limitations. In addition to the above service, medicines, and supplies, hospital treatment, services, and supplies shall be furnished by the employer for the said period of 30 days. The cost for such hospital treatment, service, and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals. If the employee shall refuse reasonable surgical, medical, and hospital services, medicines, and supplies, tendered to him by his employer, he shall forfeit all right to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal.

(*f*) Should the employee die as a result of the injury, the period during which compensation shall be payable to his dependents, under section 307 of this article, shall be reduced by the period during which compensation was paid to him in his lifetime, under this section of this article. No reduction shall be made for the amount which may have been paid, or contracted to be paid, for medical and hospital services and medicines nor for the expenses of the last sickness and burial. Should the employee die from some other cause than the injury, the liability for compensation shall cease.

(*g*) Hernia shall be considered as a physical weakness or ailment, which ordinarily develops gradually, and shall not be compensable unless conclusive proof is offered that the hernia was immediately precipitated by such sudden effort or severe strain that: First, the descent of the hernia immediately followed the cause; second, there was actual pain in the hernial region; third, the above manifestations were of such severity that the same were immediately noticed by the claimant and communicated to the employer, or a representative of the employer, within 48 hours after the occurrence of the accident.

[Section 307 (as amended 1919, No. 277; 1923, No. 432), was further amended by chapter 156, Acts of 1927, to read as follows:]

SEC. 307. *Compensation for death.*—In case of death compensation shall be computed on the following basis and distributed to the following persons:

* * * * * * *

1. If there be no widow nor widower entitled to compensation, compensation shall be paid to the guardian of the child or children as follows:

(*a*) If there be either one or two children, 33 per cent of wages of deceased, but not in excess of $7.50 per week.

(*b*) If there be three children, 44 per cent of wages of deceased, but not in excess of $10 per week.

(*c*) If there be four children, 55 per cent of wages of deceased, but not in excess of $12.50 per week.

(*d*) If there be five children, 62½ per cent of wages of deceased, but not in excess of $14 per week.

(*e*) If there be six or more children, 65 per cent of wages of deceased, but not in excess of $15 per week.

2. To the widow or widower if there be no children, 44 per cent of wages, but not in excess of $10 per week.

3. To the widow or widower if there be one child, 55 per cent of wages, but not in excess of $12.50 per week.

4. To the widow or widower if there be two [or more] children, 62½ per cent of wages, but not in excess of $14 per week.

4½. To the widow or widower if there be three or more children, 65 per cent of wages, but not in excess of $15 per week.

5. If there be neither widow, widower, nor children entitled to compensation, then to the father or mother, if dependent to any extent upon the employee at the time of the accident, 25 per cent of wages, but not in excess of $5 per week: *Provided, however*, That in the case of a minor child who has been contributing to his parents, the dependency of said parents shall be presumed: *And provided further*, That, if the father or mother was totally dependent upon the deceased employee at the time of the accident, the compensation payable to such father or mother shall be 45 per cent of wages, but not in excess of $10 per week.

6. If there be neither widow, widower, children, nor dependent parent entitled to compensation, then to the brothers and sisters, if actually dependent to any extent upon the decedent for support at the time of his death, 15 per cent of wages for one brother or sister, and 5 per cent additional for each additional brother or sister, with a maximum of 25 per cent, such compensation to be paid to their guardian.

7. Whether or not there be dependents as aforesaid, the reasonable expense of burial, not exceeding $150, which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses).

Compensation shall be payable under this section to or on account of any child, brother, or sister, only if and while such child, brother, and sister is under the age of 16. No compensation shall be payable under this section to a widow, unless she was living with her deceased husband at the time of his death, or was then actually dependent upon him for support. No compensation shall be payable under this section to a widower, unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support. The terms "child" and "children" shall include stepchildren and adopted children and children to whom he stood in loco parentis, if members of decedent's household at the time of his death, and shall include posthumous children. Should any dependent of a deceased employee die or remarry, or should the widower become capable of self-support, the right of such dependent or widower to compensation under this section shall cease: *Provided, however*, That, upon the remarriage of any widow, other than a nonresident alien widow, the employer shall pay to such widow the then value of the compensation payable to her, during one-third of the period during which compensation then remains payable, but not exceeding 100 weeks, calculated in accordance with the provisions of section 316 of this article. If the compensation payable under this section to any person shall, for any cause, cease, the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased.

The wages upon which death compensation shall be based shall not in any case be taken to exceed $24 per week, nor be less than $12 per week.

This compensation shall be paid during 300 weeks, and, in the case of children entitled to compensation under this section, the compensation of each child shall continue after said period of 300 weeks until such child reaches the age of 16, at the rate of 17½ per cent of wages, but not in excess of $3.75 per week, if there be one child; 27½ per cent of wages, but not in excess of $6.25 per week, if there be two children; 38½ per cent of wages, but not in excess of $8.75 per week, if there be three children; 50 per cent of wages, but not in excess of $11.25 per week, if there be four children; 55 per cent of wages, but not in excess of $12.50 per week, if there be five children; and 60 per cent of wages, but not in excess of $13.75 per week, if there be six children or more. The board may, if the best interest of a child or children shall so require, at any time order and direct the compensation payable to a child or children, or to a widow or widower on account of any child or children, to be paid to the guardian of such child or children, or, if there be no guardian, to such other person as the board, as hereinafter provided, may direct. If there be no guardian or committee of any minor, dependent, or insane employee, or dependent, on whose account compensation is payable, the amount payable on account of such minor, dependent, or insane employee, or dependent, may be

paid to any surviving parent, or to such other person as the board may order and direct, and the board may require any person, other than a guardian or committee, to whom it has directed compensation for a minor, dependent, or insane employee, or dependent, to be paid, to render, as and when it shall so order, accounts of the receipts and disbursements of such person, and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person.

[Section 311 was amended by chapter 156, Acts of 1927, by adding, after the word "prejudice," in the last line, the following: "and, unless such knowledge be obtained, or notice given, within 90 days after the occurrence of the injury, no compensation shall be allowed."

[Section 317 was amended by chapter 156, Acts of 1927, by substituting the word "board" for "bureau" and "court."

[Section 410 (as amended 1919, P. L. 642) was further amended by chapter 156, Acts of 1927, to read as follows:]

SEC. 410. If, after any accident, the employer and the employee or his dependent, concerned in any accident, shall fail to agree upon the facts thereof and the compensation due under this act, the employee or his dependents may present a claim for compensation to the board.

Whenever any claim for compensation is presented to the board, other than claims of nonresident alien dependents, and is finally adjudicated in favor of the claimant, the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of 6 per cent per annum, and such interest shall be payable to the same persons as the compensation is payable.

In case any claimant shall die before the final adjudication of his claim, the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation, or, if there be no dependents, then to the estate of the decedent.

[Section 413 (as amended 1919, P. L. 642) was further amended by chapter 156, Acts of 1927, by providing that, except in cases of eye injuries, agreement or award for a definite period may be modified only during the time it has to run, and no agreement or award may be modified unless a petition is filed with the board within one year after the date of last payment.

[Section 417 (as amended 1919, P. L. 642) was further amended by chapter 156, Acts of 1927, by providing that the hearing on petition shall be not less than 5 nor more than 14 days after the mailing of notice by the referee.

[Section 426 (as amended 1919, P. L. 642) was further amended by chapter 156, Acts of 1927, by providing that a rehearing shall not be granted more than one year after the board has made an award, disallowance, or other order or ruling, or has sustained or reversed any action of the referee.]

SUPPLEMENTAL LAW

[Act No. 164, Acts of 1927, pages 255 and 256, adds minor duties to those of the department of labor and industry and also authorizes it to divide the State into administrative districts.

[Sections 4, 12, 23, and 24, Act No. 340, Acts of 1915 (as amended 1915, P. L. 762) was further amended by Act No. 271, Acts of 1927, relating to the State fund by directing the State treasurer to make payments from the State fund upon requisition of the secretary of labor and industry, instead of upon vouchers of the board, and the State treasurer is relieved of the responsibility of auditing the accounts he is called upon to pay.]

PHILIPPINE ISLANDS

SEVENTH PHILIPPINE LEGISLATURE, THIRD SESSION, 1927

Act No. 3428.—*Compensation of employees for injuries.*

SECTION 1. *Employees included.*—This act shall be applicable to all industrial employees hereinafter specified.

SEC. 2. *Grounds for compensation.*—When any employee receives a personal injury from any accident due to and in the pursuance of the employment, or contracts any illness directly caused by such employment or the result of the nature of such employment, his employer shall pay compensation in the sums and to the persons hereinafter specified.

SEC. 3. *Applicable to Government.*—This act shall also be applicable to the employees and laborers of the insular government and of the governments of the Provinces, municipalities and all other political subdivisions of the Philippine Islands, employed in the industrial concerns of the Government and in public works.

SEC. 4. *Injuries not covered.*—Compensation shall not be allowed for injuries caused (1) by the voluntary intent of the employee to inflict such injury upon himself or another person; (2) by drunkenness on the part of the laborer who had the accident; (3) by notorious negligence of the same.

SEC. 5. *Remedy exclusive.*—The rights and remedies granted by this act to an employee by reason of a personal injury entitling him to compensation shall exclude all other rights and remedies accruing to the employee, his personal representatives, dependents, or nearest of kin against the employer under the Civil Code and other laws, because of said injury.

Employers contracting laborers in the Philippine Islands for work outside the same may stipulate with such laborers that the remedies prescribed by this act shall apply exclusively to injuries received outside the islands through accidents happening in and during the performance of the duties of the employment; and all service contracts made in the manner prescribed in this section shall be presumed to include such agreement.

SEC. 6. *Liability of third parties.*—In case an employee suffers an injury for which compensation is due under this act by any other person besides his employer, it shall be optional with such injured employee either to claim compensation from his employer, under this act, or sue such other person for damages, in accordance with law; and in case compensation is claimed and allowed in accordance with this act, the employer who paid such compensation or was found liable to pay the same, shall succeed the injured employee to the right of recovering from such person what he paid: *Provided*, That in case the employer recovers from such third person damages in excess of those paid or allowed under this act, such excess shall be delivered to the injured employee or any other person entitled thereto, after deduction of the expenses of the employer and the costs of the proceedings. The sum paid by the employer for compensation or the amount of compensation to which the employee or his dependents are entitled, shall not be admissible as evidence in any damage suit or action.

SEC. 7. *Contract prohibited.*—Any contract, regulation, or device of any sort intended to exempt the employer from all or part of the liability created by this act shall be null and void.

SEC. 8. *Death benefits.*—If the injury received by the employee causes his death within six months from the date of such injury, the employer shall pay the compensation to the persons entitled thereto, and in case there should be none, he shall pay to the person representing the deceased employee the burial expenses, not to exceed 100 pesos, and shall also pay to or for the following person, in the order of priority and during the periods hereinafter set forth,

a weekly compensation equivalent to the following percentages of the average weekly wages of the employee, as determined in section 19 of this act:

(*a*) To the dependent widow or widower, in case there are no dependent children, 45 per cent.

(*b*) To the dependent widow or widower in case there are one or two dependent children, 50 per cent, and if there are three or more dependent children, 60 per cent.

(*c*) If there is no dependent widow or widower, but a dependent child or children, such child or children shall be paid 30 per cent, with 10 per cent additional for each child in excess of two, up to a maximum of 50 per cent, which shall be distributed in equal shares among the children if there be more than one.

(*d*) If there are no dependent widow, widower, or children, but there is a dependent father or mother, 40 per cent to the father or mother if totally dependent or 25 per cent if partly dependent, and if both parents are dependent, each shall be paid one-half of such compensation. If there is no parent, but dependent grandparents, the same compensation shall be paid as to a father or mother.

(*e*) If there are no dependent widow, widower, child, parent, or grandparent, but there is a dependent grandchild, brother or sister, or two or more such, then 25 per cent shall be paid for one dependent and 5 per cent additional for each additional dependent, up to a maximum of 40 per cent, which shall be distributed share and share alike among the dependents if there be more than one.

When several persons are entitled to compensation and there is disagreement concerning the share of the compensation each should receive, the bureau of labor shall act as referee and designate the share to be allotted to each dependent; but if the good offices of said bureau do not meet with the approval of all parties concerned, the courts shall be competent to settle the matter in case an action is brought, and the employer may turn the money over to the court, subject to disposal by the same. In case the laborer or employee who had the accident dies and there is no surviving spouse and the dependents or some of them are minors and have no guardian appointed by a court, the employer or concern compelled to pay compensation under this act shall deposit the money represented by such compensation with the local justice of the peace court if outside the city of Manila, and with the municipal court in said city, and the officers thereof shall order payment to the minors through the municipal treasurer and the city treasurer, as the case may be, without necessity of appointing a guardian.

SEC. 9. *Dependents.*—The following persons, and no others, shall be considered as dependents and entitled to compensation under the provisions of this act:

A son or daughter, if under 18 years of age or incapable of supporting him or herself, and unmarried, whether actually dependent on the deceased or not;

The widow, only if she was living with the deceased or was actually dependent upon him, totally or partly;

The widower, only if incapable of supporting himself and actually dependent, totally or partly, upon the deceased on the date of the accident;

A parent or grandparent, only if totally or partly dependent upon the deceased;

A grandchild or brother or sister, only if less than 18 years of age or incapable of supporting him or herself, and totally dependent upon the deceased. The relation of dependency must exist at the time of the injury.

A foreigner shall not be considered as a dependent within the meaning of this act if he is not at the time a resident of the Philippine Islands, and any dependent foreigner leaving the Islands shall automatically forfeit all right to any benefit under this act.

SEC. 10. *Periods of compensation.*—The compensation provided for by this act shall be payable during the following periods:

To a widow, until her death or remarriage; but in no case for more than 208 weeks;

To a widower, during his incapacity; but in no case for more than 208 weeks;

To a son or daughter, until he or she has completed 18 years of age; but in case a son is unable to support himself and is not married, while such incapacity lasts, but in no case for more than 208 weeks in all;

To a parent or grandparent during the continuance of their actual condition of dependency; but in no case for more than 208 weeks:

To a grandchild, brother, or sister, during their condition of dependency, as defined in section 9 hereof; but in no case for more than 208 weeks;

Upon the expiration of the compensation under this section to any person, the compensation payable to the remaining persons entitled to compensation because the entire period during which they must be paid compensation has not expired, shall be that which such persons would receive if they alone had been entitled to compensation at the time the deceased died.

SEC. 11. *Scope of certain words.*—The words "son," "daughter," or "children," as used in this act, shall include stepchildren, adopted children, and illegitimate children acknowledged before the injury was contracted; but they shall not include married persons, unless the same be dependents, for any reason provided for in law. The word "brother" or "sister" includes stepbrothers or stepsisters, half brothers or half sisters, and brothers or sisters by adoption; but it does not include married brothers or married sisters, unless the same are dependents for any reason provided for in law. The words "grandson," "granddaughter," or "grandchild" include children of adopted children and children of stepchildren; but they do not include stepchildren of children, nor stepchildren of stepchildren, nor stepchildren of adopted children, nor married grandchildren, unless the same be dependents in accordance with the law. The word "parents" includes stepfathers and stepmothers and parents by adoption. The words "grandfather," "grandmother" or "grandparents" include the parents of parents by adoption; but they do not include parents of step-parents, step-parents of parents, nor step-parents of step-parents.

SEC. 12. *Sundry provisions regarding death benefits.*—In computing death benefits, the average weekly wages of the deceased employee shall not be reckoned at more than 30 pesos nor less than 4 pesos; but the total weekly compensation shall not in any case exceed the average weekly wages computed in accordance with section 19 of this act, nor shall the compensation paid in any case exceed in its aggregate the sum of 3,000 pesos.

The bona fide payment of a death compensation by an employer to a dependent entitled thereto in the second place after another dependent or dependents shall protect and exonerate the employer, unless and until the dependent or dependents having priority right shall notify him of his or their claim. In case an employer is doubtful regarding the rights of rival claimants, he may apply to the bureau of labor which, acting as referee, shall determine the persons who under this act are entitled to compensation. If the decision of the bureau of labor in this case is not satisfactory to any of the claimants, it shall be incumbent upon the competent court to decide the matter, on the petition of an interested party.

In the event of death occurring after a period of total or partial disability, the period of disability shall be deducted from the respective total periods established in section 10 of this act.

The compensation of a demented person shall be paid to the guardian of such person.

SEC. 13. *Medical attendance.*—Immediately after an employee has suffered an injury and during the subsequent period of disability, the employer shall provide the employee with such medical, surgical, and hospital services and supplies as the nature of the injury may require.

The pecuniary liability of the employer for the necessary medical, surgical, and hospital services and supplies shall be limited to the amount ordinarily paid in the community for such treatment of an injured person of the same standard of living if the treatment had to be paid for by the injured person himself.

In case the employer can not furnish medical, surgical, and hospital services and supplies promptly, the injured employee may acquire the same at the expense of the employer.

If, in case of litigation, it is shown before a competent court that the injured employee voluntarily refused to accept the services of a competent physician or surgeon or voluntarily rejected the medical, surgical, and hospital services and supplies provided by the employer, or voluntarily obstructed the physician or surgeon or the medical, surgical, or hospital services, such refusal on the part of the employee shall be construed as a waiver of all or part of his rights to the medical, surgical, and hospital services paid for by the employer, and in this case the employer shall be liable only for the injury or for the disability of any nature that would have ensued if the injured man had accepted

the medical, surgical, and hospital services and supplies tendered by the employer: *Provided, however,* That the refusal as well as the kind of disability that would have been the result of the injury if the injured person had accepted such services, shall be set forth in an affidavit made within 24 hours after the accident by the physician called to attend to the injured person.

SEC. 14. *Total disability.*—In case the injury causes total disability for labor, the employer, during such disability, but exclusive of the first seven days, shall pay to the injured employee a weekly compensation equivalent to 60 per cent of his average weekly wages; but not more than 18 pesos nor less than 4 pesos per week, except in the case provided for in the next following paragraph. Such weekly payments shall in no case continue after the disability has ceased, nor shall they extend over more than 208 weeks, nor shall the aggregate sum paid as compensation exceed in any case 3,000 pesos. But no award of permanent disability shall take effect until after two weeks have elapsed from the date of the injury.

In the case of an employee whose average weekly wages are less than 4 pesos per week, the weekly compensation shall be the entire amount of such average weekly wages; but if the disability is permanent, the compensation shall be 4 pesos in such cases. In the event that the total disability begins after a period of partial disability, the latter shall be deducted from said total period of 208 weeks.

SEC. 15. *Total and permanent disability.*—The disability shall be considered total and permanent if it is the result of the following injuries:

(*a*) The total and permanent loss of the sight of both eyes;

(*b*) The loss of both feet at or above the ankle;

(*c*) The loss of both hands at or above the wrist;

(*d*) The loss of one hand and one foot;

(*e*) An injury to the spine resulting in complete and permanent paralysis of both legs or both arms or one leg and one arm;

(*f*) An injury to the brain resulting in incurable imbecility or insanity.

The enumeration above made shall not be considered as exclusive.

SEC. 16. *Partial disability.*—In case the injury causes partial disability for labor, the employer, during such disability and except as hereinafter provided, shall pay to the injured employee for a period of 208 weeks beginning with the first day of disability, a weekly compensation equal to 50 per cent of the difference between his average weekly wages before the accident and the weekly wages which he could probably earn thereafter; but not more than 10 pesos per week. The weekly payments shall not in any case continue after the disability has ceased, and in case partial disability sets in after a period of total disability, such period of total disability shall be deducted from the total period of 208 weeks and the amount of the compensation paid shall not in any case be in excess of the total sum of 3,000 pesos. No award for disability shall be made before a lapse of two weeks counted from the date of the injury.

SEC. 17. *Permanent partial disability.*—In the case of disability which is partial in its nature but permanent in its duration, the compensation shall be 50 per cent of the average weekly wages, and shall be paid to the employee for the periods designated in the following schedule:

For the loss of the thumb, 40 weeks.

For the loss of the first finger, commonly called the index finger, 30 weeks.

For the loss of the second finger, 25 weeks.

For the loss of the third finger, 20 weeks.

For the loss of the fourth finger, commonly called the little finger, 10 weeks.

The loss of the first joint of the thumb or any other finger shall be considered as equal to the loss of one-half of the thumb or finger, and the compensation shall be one-half of the compensation above specified for the loss of the thumb or finger.

The loss of more than one joint of the thumb or of a finger shall be considered as loss of the entire thumb or finger: *Provided, however,* That the sum paid for the loss of more than one finger shall in no case exceed the sum provided for in this list for the loss of a hand.

For the loss of a big toe, 25 weeks.

For the loss of a toe other than the big toe, 10 weeks.

The loss of the first joint of any toe shall be considered as equal to the loss of half the toe, and the compensation shall be one-half of the sum specified for the loss of the toe. The loss of more than one joint of any toe shall be considered as equal to the loss of the entire toe.

For the loss of a hand, 160 weeks.
For the loss of an arm, 208 weeks.
For the loss of a foot, 130 weeks.
For the loss of a leg, 190 weeks.
For the loss of an eye, 84 weeks.

For the complete and permanent loss of the sense of hearing on both ears, 208 weeks. For the complete and permanent loss of the sense of hearing on one ear, 40 weeks. For the loss of both ears, 84 weeks. For the loss of one ear, 40 weeks.

The permanent loss of the use of one hand, an arm, a foot, a leg, an eye, a thumb, a finger, a toe, or a joint shall be considered as equivalent to and be compensated at the same rate as the loss of a hand, arm, foot, leg, eye, thumb, finger, toe, or joint.

In cases of permanent partial disability due to the injury of any of the members specified in this schedule, less than the total loss of the member or less than the total loss of its use, and in case the disability is not otherwise compensated in this schedule, the compensation shall be paid in the proportion prescribed in this schedule for the total loss of the member or the total loss of the use thereof, and for the period of time hereinafter specified. The proportion which the permanent partial disability bears to the total disability of the same member, as specified in the schedule, shall be determined, and the compensation above prescribed shall be paid for a portion of the period above established for the total loss of the member or for the total loss of the use thereof, in accordance with the proportion which the disability bears to the total disability of the member.

SEC. 18. *Amputation.*—Amputation between elbow and wrist shall be considered as equivalent to the loss of a hand. Amputation between knee and ankle shall be considered as loss of a foot. Amputation at or above the elbow shall be considered as equivalent to the loss of an arm. Amputation at or above the knee shall be considered as equivalent to the loss of a leg.

Compensation for the injuries above specified shall exclude all other compensation except the benefits provided for in sections 13, 14, and 15.

In case of an injury producing a serious disfigurement of the face or head, the proper court may, at the request of an interested party, determine and award such compensation as may seem fair and proper in view of the nature of the disfigurement, but which shall not exceed 3,000 pesos.

In all other cases of this kind of disability, the compensation shall be 50 per cent of the difference between the average weekly wages of the injured person and his subsequent earning capacity in the same or some other employment, payable while the partial disability lasts; but subject to reconsideration of the degree or impairment by a competent court, at the request of an interested party: *Provided, however*, That the weekly payments shall in no case be continued for a period longer than 208 weeks.

The total compensation prescribed in this and the next preceding section and the total compensation prescribed in sections 14 and 15 of this act shall, together, not exceed the sum of 3,000 pesos.

SEC. 19. *Computation of wages.*—The average weekly wages shall be computed in such manner that it shall be the best computation that can be made of the weekly earnings of the laborer during the 12 weeks next preceding his injury: *Provided*, That if, on account of the shortness of the time during which the laborer was so employed or of the cessation of the employment, it is impracticable to compute the remuneration, consideration may be had of the average weekly wages earned during the last 12 months preceding the injury by a person employed in the same grade and same work by the employer of the injured laborer, or if there is no person so employed, of the average weekly wages earned by a person employed in the same grade, in the same kind of employment, and in the same district or locality.

SEC. 20. *Voluntary payments.*—Payments made by the employer or his insurer to the injured laborer during the period of his disability or to his dependents, which under the provisions hereof were not due or payable when they were made, shall, upon being duly established, by agreement between the parties concerned, a certified copy of which shall be sent to the bureau of labor, or subject to the decision of the court in case of litigation, be deducted from the sum to be paid as compensation: *Provided*, That in case of disability, the deduction shall be made by reducing the period of time during which the compensation is to be paid, and not by reducing the weekly payment to be made in accordance with sections 14, 15, 16, and 17 of this act.

SEC. 21. *Periodical payments.*—Upon agreement by the parties concerned, or through the good offices of the bureau of labor, or by decision of the courts in case of litigation, the compensation may be paid monthly or semimonthly instead of weekly, as may be most convenient to the employer and the laborer.

SEC. 22. *Payments in a lump sum.*—Whenever the parties consider it most advantageous and convenient, the liability of the employer as regards the compensation may be discharged totally or in part by payment in a lump sum or sums: *Provided, however,* That any agreement or contract made for this purpose between the parties shall not be valid unless it be in the form of a public document acknowledged before the justice of the peace of the locality and attested by two witnesses, one of whom shall be the municipal treasurer or the person acting in his stead if the accident occurred outside the city of Manila; and if in the city of Manila, before a duly authorized notary public, attested likewise by two witnesses, one of whom shall be the director of the bureau of labor or his representative. Before the acknowledgment of the instrument, the justice of the peace or notary public, as the case may be, shall fully inform the injured laborer or dependent persons or persons executing the instrument in his stead, of all their rights and privileges under this act, reading and translating to them into the vernacular dialect they know, in case they do not understand English or Spanish, the provisions of this act establishing the amounts and periods of compensation and other privileges to which they are entitled by reason of the accident, and shall certify in the acknowledgment clause that all these requisites have been complied with. The expense of the acknowledgment of the contract shall be borne by the employer. The justice of the peace or notary public, as the case may be, shall forward a certified copy of the contract to the bureau of labor in Manila for file.

Any failure on the part of the employer to comply with his obligation to pay any of the sums due to the injured laborer or his dependents in accordance with this act, shall entitle the beneficiary to claim the entire balance of the compensation at one time.

SEC. 23. *Medical examination.*—After receiving an injury and during the period of his disability, the laborer shall at reasonable times and places submit to examination by a duly qualified physician or surgeon designated and paid by the employer. The laborer shall be entitled to have a physician or surgeon designated and paid by himself at such examination; but this right shall not be construed as denying to the physician or surgeon of the employer the right to visit the injured laborer at any reasonable time and under any reasonable conditions during his total disability. In case a laborer refuses to submit to, or does in any manner obstruct the examination mentioned, his right to proceed under this act shall be suspended until such refusal or obstruction shall cease, and no compensation shall be payable for the entire time of such obstruction.

SEC. 24. *Notice of the injury and claim for compensation.*—No compensation proceeding under this act shall prosper unless the employer has been given notice of the injury as soon as possible after the same was received, and unless a claim for compensation was made not later than two months after the date of the injury, or, in case of death, not later than three months after death, regardless of whether or not compensation was claimed by the employee himself. Such notice may be given and such claim made by any person considering himself entitled to the compensation or by any other person in his behalf. In case medical, surgical, and hospital services and supplies have been furnished voluntarily by the employer, notice of the injury within the time limit above mentioned shall not be necessary, and if the employer has voluntarily made the compensation payments, the claim for compensation to be made within the time limits above established shall no longer be necessary.

SEC. 25. *Form of notice and claim.*—The notice and claim shall be in writing and the notice shall contain the name and address of the employee and shall establish in plain and clear language the time, place, nature, and cause of the injury and shall be signed by the employee, or any other person in his behalf, or in case of his death, by a person or persons dependent upon him, or by any other person in their behalf. The notice may include the claim.

SEC. 26. *Delivery of notice and claim.*—The notice provided for in this act shall be served on the employer, or in case the employer is a company, on any of the partners. If the employer is a corporation, the notice may be served on any agent of the corporation on whom it can be served or on any officer of the corporation or any agent in charge of its business at the place where the injury was received. The notice shall be served by personal

delivery or by sending it by registered letter addressed to the employer at his last known residence or at his place of business. The foregoing provisions shall be applicable to the procedure in connection with the claim.

SEC. 27. *Sufficient notice.*—Any notice given in accordance with the provisions of section 25 of this act shall not be considered as invalid or insufficient by reason of any incorrectness in the statement of time, place, nature, or cause of the injury or of anything else, unless it be shown that the employer has been actually misinformed respecting the injury. Failure to or delay in giving notice shall not be a bar to the proceeding herein provided for, if it is shown that the employer, his agent, or representative had knowledge of the accident or that the employer did not suffer by such delay or failure.

SEC. 28. *Limitation as regards minors and insane persons.*—None of the time limits provided for in this act shall apply to a person mentally incapacitated or to a dependent minor so long as he has no guardian or next friend.

SEC. 29. *Agreement on compensation.*—In case the employer and the injured laborer or the dependent or dependents entitled to compensation arrive at an agreement concerning the compensation provided for by this act, such agreement, in order to be valid, shall be in the form of a public instrument acknowledged before the justice of the peace of the locality and attested by two witnesses, one of whom shall be the municipal treasurer or the person acting in his stead if the accident occurred outside the city of Manila; and in the city of Manila before a duly authorized notary public, attested likewise by two witnesses one of whom shall be the director of the bureau of labor or his representative. Before receiving the acknowledgment of the instrument, the justice of the peace or notary public, as the case may be, shall fully inform the injured laborer or dependent or dependents executing the instrument in his stead, of all their rights and privileges under this act, reading and translating to them into the vernacular dialect they know, in case they do not understand English or Spanish the provisions of this act establishing the amounts and periods of compensation and other privileges to which they are entitled by reason of the accident, and shall certify in the acknowledgment clause that all these requisites have been complied with. The expense of the acknowledgment of the contract shall be borne by the employer. The justice of the peace or notary public, as the case may be, shall forward a certified copy of the contract to the bureau of labor in Manila, for file: *Provided, however*, That the employer shall be exempt from all liability under this act as soon as the compensation has been paid in accordance with this section, saving the provisions of section 6 of this act.

SEC. 30. *Insurance of payment of compensation.*—Employers may guarantee the payment of compensation under this act to their employees and laborers by insuring the same in an insurance company. However, the premiums on the policy shall be paid in their entirety by the employer and any contract providing for deductions from the wages of the employee or laborer shall be null and void.

SEC. 31. *Intervention of the bureau of labor.*—At the request of an interested party, the bureau of labor shall act as referee in all claims and disagreement arising under this act. In case its efforts in this respect fail, it shall take the necessary steps to have the claim submitted to the proper courts, and it may require the provincial fiscals to represent in such proceedings the injured laborer or employee or person or persons entitled to compensation in their respective provinces, except where the claim is against the government or any political subdivision of the same, in which case the court, at the request of the laborer or employee, shall designate an attorney to act as his counsel free of charge. But nothing contained in this section shall be construed to prevent the injured laborer or person or persons entitled to compensation to take the case directly into court, without previous intervention by the bureau of labor.

SEC. 32. *Priority of action for compensation.*—All actions for compensation brought in justice of the peace courts and courts of first instance under this act shall have priority in the dockets of said courts over all other cases, except habeas corpus proceedings, election contests, and criminal cases in which the accused are not at liberty on bail. The defendant in court in compensation proceedings brought under the provisions of this act shall reply to the complaint within the time established by law and the rules of the courts of justice, after being summoned.

SEC. 33. *Injuries received outside the islands.*—When a laborer contracted in the Philippine Islands receives a personal injury through an accident occurring in and during his employment, he shall be entitled to compensation under the law of the islands, though the injury was received outside the same.

When a laborer contracted outside the Philippine Islands is injured while engaged in the business of his employer and is entitled to compensation for such injury under the law of the territory or country where he was contracted, he may recover from his employer in these islands if his rights are such that they can be reasonably determined and granted by the courts.

SEC. 34. *Priority of compensation.*—All rights to compensation provided for by this act shall have the same priority over other credits against the employer that the law gives to due and unpaid wages.

SEC. 35. *Assignment of rights.*—No claim for compensation under this act is transferable, and all compensations or rights to compensation shall be exempt from creditor's claims.

SEC. 36. *Cooperation of fiscals.*—In connection with his duties, the director of labor may, if necessary, require the cooperation of the provincial fiscal of any Province in order to secure proper compliance with this act or any part thereof.

SEC. 37. *Notice of accidents by employers.*—Each employer shall hereafter keep a record of all injuries, whether fatal or not, received by his employees in the course of their employment, when the same come to his knowledge or attention. As soon as possible after the occurrence of an injury resulting in absence from work for a day or more, the employer shall give written notice thereof to the bureau of labor on blank forms especially prepared by said bureau, for which the employer shall make requisition in due time, or in cases of necessity or emergency, on any other paper, containing the information hereinafter prescribed.

The notices shall set forth the style and nature of the business of the employer, the location of the establishment, the name, age, sex, wages, and occupation of the injured employee, the date and hour of the accident resulting in the injury, the nature and cause of the injury, and such other information as may be required by the bureau of labor.

Any employer refusing or neglecting to give the notice required by this section shall be punished by a fine of not more than 25 pesos for each offense.

Not later than 60 days after the termination of the disability of the injured employee, the employer or other person liable for the payment of the compensation provided for in this act shall file with the bureau of labor a statement of the total payments made or to be made for compensation and for medical services to the injured person.

SEC. 38. *Interisland trade.*—This act shall cover the liability of the employers toward employees engaged in the interisland trade, and also in the foreign trade when such is permissible under the laws of the United States and the Philippine Islands.

SEC. 39. *Definitions.*—In this act, unless the context indicates otherwise, the definition of various words used therein shall be as follows:

(*a*) "Employer" comprises every association of persons, incorporated or not, public or private, and the legal representative of the deceased employer. It comprises the owner or lessee of a factory or establishment or any other person who is virtually the owner or manager of the business carried on in the establishment but who, for the reason that there is an independent contractor in the same, or for any other reason, is not the direct employer of the laborers employed there.

(*b*) "Laborer" is used as a synonym of "employee" and means every person who has entered the employment of or works under a service or apprenticeship contract for an employer. It does not include a person whose employment is purely casual or is not for the purposes of the occupation or business of the employer, or whose remuneration paid by any employer, exclusive of overtime pay, is in excess of 42 pesos a week. Any reference to a laborer injured shall, in case he dies, include a reference to the persons dependent on him, as defined in this act, if the context so requires, or, if the employee is a minor or incapacitated, to his guardian or nearest of kin.

(*c*) "Injure" or "personal injuries" includes death produced by the injury within six months.

(*d*) "Industrial employment" in case of private employers includes all employment or work at a trade, occupation, or profession exercised by an employer for the purpose of gain, the gross income of which in the year immediately preceding the one during which the accident occurred was not less than 40,000 pesos, except agriculture, charitable institutions, and domestic service.

(*e*) "Public employment" signifies employment in the service of the Insular Government or the government of any Province, municipality, or other political

subdivision of the islands. It does not include employment as public officer elected by the popular vote nor persons paid more than 800 pesos per annum.

(*f*) "Partial disability," diminished capacity for securing employment due to disfigurement produced by an injury can be considered as partial disability.

(*g*) "Wages" includes the commercial value of the board and lodging, subsistence, fuel, and other things that can be reckoned in money which the employee receives from the employer as part of his compensation.

"Wages" does not include sums paid by the employer to the employee to cover special expenses due him on account of the nature of his employment.

(*h*) A word in the singular shall also apply to the plural, and vice versa, and one in the masculine gender shall also apply to the feminine.

SEC. 40. *Penalty for misrepresentation.*—Any person who, with intent of obtaining any benefit or payment under the provisions of this act, voluntarily makes for himself or for the benefit of another any false statement or representation, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than 200 pesos and by imprisonment in case of insolvency.

SEC. 41. *Title of this act.*—This act shall be known as "workmen's compensation act."

SEC. 42. *Law applicable to small industries.*—All claims for accidents occurring in a trade, occupation, or profession exercised by an employer for the purpose of gain, the gross income of which during the year next preceding the one in which the accident occurred was less than 40,000 pesos, shall be governed by the provisions of act No. 1874 and its amendments.

SEC. 43. *Repealing clause.*—All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 44. This act shall take effect six months after its approval.

PORTO RICO

ACTS OF 1928

Act No. 85.—*Compensation of laborers, etc., for injuries*

Section 1. *Title.*—This act shall be known as the workmen's accident compensation act.

Sec. 2. *Scope.*—The provisions of this act shall be applicable to all laborers and employees, except such as are engaged in domestic service, who suffer injury, are disabled, or lose their lives by reason of accidents caused by any act or function inherent in their work or employment, when such accidents happen in the course of said work or employment, and as a consequence thereof, or who suffer disease or death caused by the occupations specified in the following section.

This act shall be applicable to all employers who employ one or more laborers or employees, whatever their wages may be. The insular government and the several municipal governments shall be considered as employers, and as such shall come under the provisions of this act as regards workmen and employees, except clerks, rendering services in any department or dependency of said Government, as well as on public works carried on by administration. Municipal firemen shall be included in the phrase municipal employees. If they draw no salary it shall be computed at the rate of $6 a week for the purposes of this act. In every contract for a public improvement the amount of insurance of laborers to be employed on the work shall be included, and such amount shall be withheld from the contractor to pay the insurer. In the case of contractors of private jobs who fail to insure according to the provisions of this act, the following procedure shall be observed:

1. When the plan for the work is submitted to the department of health it shall not be approved until the contractor files with the commissioner of health a certificate from the superintendent of insurance showing the said contractor has duly insured pursuant to the provisions of this act.

2. When the work is being performed without the corresponding insurance, the industrial commission shall have power to stop it, for which purpose it may utilize the services of any marshal of a court of justice in Porto Rico, or the services of the insular police, and said marshals or policemen shall carry out the orders of the commission without excuse of any kind. Such stoppage of work shall continue until the contractor has insured as provided herein. Should the contractor continue the work in spite of such prohibition and order from the commission, complaint shall be immediately filed against him by said marshals or policemen, or by any employee of the department of labor, upon whom such duty is hereby imposed. Said complaint shall be filed in the corresponding municipal court for contempt of an order of the commission, and upon conviction the guilty party shall be sentenced to pay a fine of not less than $100, or to confinement in jail for a term of not less than 15 days, or to both penalties together.

The different departments of the Government shall include in their annual budgets the total amount of premiums required to insure their employees: *Provided*, That the insular government and the several municipal governments shall insure in the State insurance fund.

Sec. 3. *Benefits.*—That any laborer who may be injured or taken sick within the provisions of this act, shall be entitled to—

A. In case of accident:

1. Medical attendance and such medicines and sustenance as may be prescribed, including hospital service when necessary.

2. If the injury is of a temporary nature, to compensation equal to one-half of the wages received by him the day of the accident. Said compensation shall be paid weekly during such time as said laborer is disabled for work. The period of such payment shall in no case exceed 104 weeks: *Provided*, That in

no case shall such payments exceed $15 a week nor be less than $3 a week: *Provided, further,* That said compensation shall not be allowed for the first seven days following the date of the accident.

3. Permanent partial disability shall be considered to be the loss of one foot or leg, one hand, one arm, one or more fingers or toes, and any ankylosis, fracture, or dislocation where ligaments have been torn, and where restoration is not complete. For permanent partial disability, as specified below, the injured laborer shall receive additional compensation according to the following schedules. Such compensation shall be graded as in cases of total disability.

	From—	To—
For the loss of 1 leg so close to the hip that an artificial leg can not be used	$1,000	$2,000
Loss of 1 leg at or above the knee, permitting the use of an artificial leg	900	1,800
Loss of 1 leg below the knee	560	1,160
Loss of an arm at or above the elbow	940	1,880
Loss of the right hand at the wrist	760	1,520
Loss of the left hand at the wrist	550	1,100
Loss of 1 eye by enucleation	520	1,040
Loss of sight in 1 eye	340	680
Total loss of hearing in both ears	940	1,880
Total loss of hearing in 1 ear	100	200
Loss of 1 foot at the ankle	530	1,000
Loss of the big toe of 1 foot at the joint of the metatarsus and phalanx	70	140
Loss of the big toe between the second and third phalanges	53	105
Loss of the big toe at the second joint	35	70
Total loss of any other toe	46	91
Loss of the forearm at either the upper or lower end (left arm)	650	1,300
Loss of a thumb with the metacarpal bone	150	300
Loss of the first phalanx of the thumb	56	112
Loss of the first and second phalanges of the thumb	56	112
Total loss of the index finger	100	200
Loss of the index finger at the second phalanx	75	150
Loss of the index finger at the third phalanx	75	150
Loss of the middle finger at the second phalanx	70	140
Loss of the middle finger at the third phalanx	35	70
Total loss of the middle finger	75	150
Loss of the ring finger	75	150
Loss of the ring finger at the second phalanx	70	140
Loss of the ring finger at the third phalanx	35	70
Total loss of the little finger	53	105
Loss of the little finger at the second phalanx	35	70
Loss of the little finger at the third phalanx	18	35
Ankylosed ankle	150	300
Ankylosed knee	250	500

Compensation for any other permanent partial disability not herein specified shall be graded according as such disability as most resembles the corresponding disability established in the foregoing table: *Provided,* That such compensation shall never exceed $2,000.

4. If the laborer is totally disabled for work, he shall receive a compensation of $1,000 as a minimum and $3,000 as a maximum. The compensation shall be graded in proportion to the rate of wages that the laborer earned, consideration being given to the earning capacity of the injured laborer and to his probabilities of life, and to the importance of the injury suffered.

The total and permanent loss of sight of both eyes; the loss of both feet at or above the ankle; the loss of both hands at or above the wrist; the loss of one hand and one foot, and such injuries as may result in the permanent disability of the laborer for any work in a remunerative occupation shall be considered total disability.

5. If as a result of injuries suffered under the conditions specified in section 2, the death of the laborer occurs within one year from the time of the accident and as a consequence of such accident, the parents, widower, or widow, and legitimate children and legitimate grandchildren, and the illegitimate children, whether natural or not, of the deceased laborer, who at the time of his death were reasonably dependent on his earnings for their support, shall receive a compensation of from $1,000 to $3,000, which shall be graded according to the earning capacity of the deceased laborer and to his probabilities of life, and shall be equitably distributed among all the aforesaid relatives according to the condition, needs, and degree of relationship and dependence of each.

In default of the aforesaid persons the foster father or foster mother, or the relative of the closest degree of relationship reasonably depending on the earnings of the deceased, shall receive a compensation of $1,000 to $2,000 as a maximum. Should the near relatives entitled to compensation be several, such compensation shall be distributed among them in equal parts.

6. In cases coming under paragraphs 3, 4, and 5 the money compensation corresponding to the laborer or to his heirs in accordance with this act may be granted in monthly part payments. If the commission grants compensation in one sole payment it shall use its good offices, by means of reasonable suggestions, to have the sum so granted invested in a manner beneficial to the welfare of the laborer or of his beneficiaries. If the laborer or his beneficiaries are minors or incapacitated persons, said commission shall direct that the sum allowed be paid in the form of a pension for a determined period, or that the amount of such compensation be deposited with the district court of the district where the workman or his beneficiary resides, for custody and investment of said funds in accordance with the provisions of law regulating the application of amounts derived from the sale of the property of minors. The district attorney shall represent said minors or incapacitated persons. Summary proceedings shall be followed in the case.

(*b*) In case of occupational disease, the laborer shall be entitled to—

1. Medical attendance and such medicines and sustenance as may be prescribed, including hospital service when necessary.

2. If the disease is of temporary character, to compensation equal to one-half the wages received by him when taken sick for such time as he may be under medical treatment, but such payments shall not extend over a period greater than 102 weeks. In no case shall there be paid more than $15 or less than $3 a week: *Provided*, That no compensation shall be allowed for the first seven days following the date of the accident.

3. If, by reason of the disease contracted, the laborer should be partially and permanently disabled for work, he shall receive such additional compensation as the commission may determine according to the seriousness of the disability of the person injured, and as far as possible, according to the accident schedule provided in this act.

4. If, by reason of the disease contracted, the laborer should be totally disabled for work, he shall be entitled to a compensation of not less than $1,000 nor more than $3,000.

All the provisions of paragraphs 3, 4, and 5, of subhead A of this section shall be applicable to subhead B.

The diseases enumerated in the following table shall be considered as occupational diseases when contracted by laborers or employees in the course of the occupations therein stated, within the 12 months prior to the date of the disability caused by such diseases due to the nature of any of the processes described in said table:

Name of disease	Description of process
1. Anthrax	Handling of wool, hair, bristles, hides, and skins.
2. Glanders	Care of any equine animal suffering from glanders; handling carcass of such animal.
3. Lead poisoning	Any industrial process involving the use of lead or its preparations or compounds.
4. Mercury poisoning	Any industrial process involving the use of mercury or its preparations or compounds.
5. Phosphorus poisoning	Any industrial process involving the use of phosphorus or its preparations or compounds.
6. Arsenic poisoning	Any industrial process involving the use of arsenic or its preparations or compounds.
7. Poisoning by benzol or by nitro and amido derivatives of benzol (dinitrobenzol, anilin, and others).	Any industrial process involving the use of benzol or a nitro or a nitro or amido derivative of benzol or its preparations or compounds.

Name of disease	Description of process
8. Poisoning by gasoline, benzine, naphtha, or other volatile petroleum product.	Any industrial process involving the use of gasoline, benzine, naphtha, or other volatile petroleum products.
9. Poisoning by carbon bisulphide	Any industrial process involving the use of carbon bisulphide or its preparations or compounds.
10. Poisoning by wood alcohol	Any industrial process involving the use of wood alcohol or its preparations.
11. Infection or inflammation of the skin on contact with compound cutting oils or lubricants, dust, liquids, fumes, gases, or vapors.	Any industrial process involving the handling or use of compound cutting oils or lubricants, or involving contact with liquids, fumes, gases, or vapors.
12. Ulceration of the skin or of the corneal surface of the eye due to carbon, pitch, tar, or tarry compounds.	Handling or industrial use of carbon, pitch, or tarry compounds.
13. Compressed-air illness	Any industrial process carried on in compressed air.
14. Carbon-dioxide poisoning	Any process involving the evolution, or resulting in the escape, of carbon dioxide.
15. Brass or zinc poisoning	Any process involving the manufacture, founding, or refining of brass or the melting or smelting of zinc.

SEC. 4. *Injuries not covered.*—Accidents happening under the following circumstances are not labor accidents and, therefore, shall not entitle a laborer or his heirs to compensation under this act:

1. When the laborer attempts to commit a crime or to injure his employer or any other person, or when he voluntarily causes himself injury.
2. When the laborer is intoxicated, provided such intoxication is the cause of the accident.
3. When the injury is caused the laborer by the criminal act of a third person.
4. When the recklessness of the laborer is the sole cause of the injury.

SEC. 5. *Medical examinations.*—During the period of disability the injured workman shall submit to treatment and examination at reasonable times and places by a competent physician-surgeon designated by the employer, the insurer, or the industrial commission: *Provided*, That if, in the opinion of the industrial commission, the employer or his insurer fail to provide adequate attendance for the laborer, the commission shall provide it for account of the employer and his insurer: *Provided further*, That when an injured workman is a resident of the municipality in whose hospital he is lodged and cared for, and is included in the State insurance, said municipality shall charge the commission for attendance on, and the stay of, the injured workman in the hospital, but one-half of the minimum rate fixed by said municipality for other patients.

The industrial commission created under this act is hereby authorized to enter into contracts through the commissioner of health with insular, municipal, or private physicians and with hospitals, minor surgeons (practicantes), and nurses whenever it deems such contracts advisable in connection with attendance on laborers entitled to compensation from the State insurance fund and those comprised in the first of the preceding provisos.

The injured workman shall be entitled to designate and pay a physician or a surgeon to witness his examination and to treat him; but this right is established without prejudice to the right of the physician designated by employer-insurer to visit the injured workman at all reasonable times and under reasonable circumstances during the disability.

The refusal or objection of a workman, without just cause, to submit himself to such medical examination or professional treatment shall deprive him of his right to receive compensation under this act or to institute or prosecute proceedings under this act for the recovery of such compensation. In case of the death of a laborer the commission may designate a physician-surgeon to make an autopsy of the corpse, the certificate of autopsy to be attached to the record of the case for due consideration. Said certificate may be admitted as evidence in any proceedings before the industrial commission.

Every physician or surgeon called upon to visit or examine a patient suffering from an occupational disease or from injuries received as a consequence of

a labor accident, is bound to render his services and to forward to the commission within the following 48 hours, a written report showing the name, address, and occupation of the patient; the name, address, and business of the employer for whom the patient worked, the nature of his injury, and such other information as the commissioner may require.

Any physician, surgeon, or minor surgeon (practicante) who refuses to render his services, or who neglects or refuses to make and forward to the commission the aforesaid report, shall be guilty of a misdemeanor and punishable by a fine of from $50 to $1,000 and by confinement in jail for a term of from one day to six months in case of subsequent offenses: *Provided*, That the commissioner of health, with the approval of the industrial commission, shall establish a schedule to which physicians, minor surgeons, nurses, and hospitals in default of an agreement, shall adjust their accounts for services rendered.

SEC. 6. *Examination of workmen.*—The industrial commission may appoint any duly qualified physician to examine workmen and report on their injuries and diseases. Fees for this service shall not exceed $20 and traveling expenses, but in extraordinary cases the industrial commission may allow a reasonable additional amount, and the employer or his insurer shall reimburse said commission in the sum paid. The physician's report shall be admissible as evidence in any proceedings before the industrial commission or before a commissioner: *Provided*, That the employee and the insurer shall receive a copy of such report.

SEC. 7. *Industrial commission, powers, duties, etc.*—A commission is hereby created in the Department of Agriculture and Labor of Porto Rico, which shall be known as the Industrial Commission of Porto Rico, which commission shall be composed of three commissioners appointed by the Governor of Porto Rico on recommendation of the commissioner of agriculture and labor, with the advice and consent of the Insular Senate. One of said commissioners shall be designated as chairman by the Governor of Porto Rico. The term of office of the commissioners shall be three years, and until their successors have been legally appointed and have qualified: *Provided*, That when said commission is organized on July 1, 1928, one of the commissioners shall be appointed for one year; one for two years, and the other for three years. Thereafter one commissioner shall be appointed yearly for a term of three years: *Provided*, That this provision shall in no way affect the commissioners elected at the election of November 4, 1924, who shall continue in office until the term for which they were elected has expired: *Provided further*, That while the elected commissioners are in office, the industrial commission hereby created shall be constituted and shall function with the three commissioners appointed by the governor, the three elected commissioners, and the commissioner of agriculture and labor: *And provided further*, That the three elected commissioners shall receive a per diem of $10 for each regular or special meeting which they attend.

The salaries and expenses of said Industrial Commission of Porto Rico shall be paid by the people of Porto Rico out of regular funds in the treasury, and shall be included in the annual budget. The chairman shall receive a salary of $4,000 a year, and the two commissioners a salary of $3,000 a year each. The Industrial Commission of Porto Rico may designate a Secretary at an annual salary of not more than $2,400, and may further dispose of the sum of $20,000 for salaries of additional employees, transportation, and other necessary expenses.

Said commission shall be provided with offices in the city of San Juan, where its records shall be kept. To this end the commissioner of the interior is hereby directed to furnish said commission with adequate quarters owned by the people of Porto Rico in the city of San Juan.

A majority of the commission shall constitute a quorum, and a vacancy caused by any of its members shall not obstruct the right of the members to exercise all the powers and duties conferred on them by this act.

The commission shall have an official seal duly to authenticate its orders and decisions, and the copies thereof duly certified by the secretary of the commission, under its seal, shall be deemed, like the original, to be evidence of their contents.

The meetings of the commission and their proceedings, which shall be spread on the minutes, shall be public. The decisions of the commission shall be compiled and published for general knowledge.

The commission shall have power to make such rules and regulations consistent herewith as may be necessary to carry out the provisions of this act, and to make process and procedure simple and summary. Such rules and regulations, when approved by the governor and published and promulgated in two newspapers of the most extensive circulation in Porto Rico, shall have the force of law.

The office of superintendent of insurance is hereby created in the Department of Finance of Porto Rico, and said superintendent of insurance shall have all the powers conferred and all the duties imposed by this and other laws of Porto Rico on the treasurer of Porto Rico as such superintendent of insurance. His salary shall be $4,000 a year, and he shall be appointed for a term of four years by the Governor of Porto Rico, with the advice and consent of the senate.

SEC. 8. *Same—Delay in deciding cases.*—In case the commission delays decision of a case for over one month without justified cause, the laborer or the employer who is a necessary party to the case, or any interested party by means of *mandamus* proceedings, may obtain from the court of the district where the accident happened, an order directing the commission to decide such case; and if the ends of justice so require, the court may also order the commission to forward the record of the case to said court for the purpose of assuming jurisdiction therein and of settling it by final decision; but before assuming jurisdiction in a case to hear and decide it, the court shall give the commission reasonable opportunity to close and decide such case.

In the exercise of its powers and duties, the commission is hereby authorized to summon witnesses, administer oaths, and take evidence; and in complying with these provisions it may issue subpœnas and compel the attendance of witnesses and the presentation of documentary and other evidence. It may visit and inspect buildings, machinery, and other property where an accident has happened, and may avail itself, in its investigations, of the services of the justices of the peace and of the municipal judges, district attorneys, municipal and district marshals, police force, and all agents and inspectors of the bureau of labor.

SEC. 9. *Same procedure.*—Upon written request of the industrial commission or of any commissioner, together with interrogatories and cross-interrogatories, if any there be, filed with the secretary of the district or municipal court for any district, commissions to take depositions of witnesses residing in the island or in foreign countries, or letters rogatory to a court of another State or of a foreign country, shall forthwith issue from said district court, as in cases pending therein; and upon the return of said depositions or answers to letters rogatory the same shall be opened by the secretary of the court issuing the commission or letters, and said secretary shall indorse thereon the date when a deposition or answer to letters rogatory was received and the same shall forthwith be delivered to the industrial commission. No costs shall be charged in such cases. The fee for attending as a witness before the industrial commission or before a commissioner shall be $2 a day plus 10 cents a mile for traveling expenses. The district or municipal court of the district in which the accident occurred may enforce the provisions of this section relating to compulsory attendance, witnesses' oaths, and the examination of books and records.

SEC. 10. *Agreements subject to approval.*—If the insurer and the insured employee reach an agreement in regard to compensation, a memorandum thereof shall be filed with the industrial commission and, if approved by it, the memorandum shall be binding and enforceable as if it were a decision of the commission. Such agreements shall be approved by the industrial commission only when the terms conform to this act.

SEC. 11. *Failure of agreement.*—If the insurer and the injured employee fail to reach an agreement in regard to compensation, or if they have reached such an agreement which has been signed and filed in accordance with this act and compensation has been paid or is due in accordance herewith, and the parties thereto then disagree as to the continuance of any weekly payments under such agreement, either party may notify the industrial commission, which shall thereupon assign the case for hearing by a commissioner.

SEC. 12. *Hearings.*—Such commissioner shall make such inquiries and investigations as shall be deemed necessary. The hearing shall be held in the locality where the accident occurred or in such other place as the industrial commission may designate, and the decision of the commissioner, together with a statement

of the evidence, his findings of fact, rulings of law, and other matters pertinent to questions arising before him, shall be filed with the industrial commission. Unless a claim for review is filed by either party within the 15 days following service of notice of the decision, it shall be binding and final under section 24.

SEC. 13. *Hearings.*—If a claim for review is filed under the preceding section, the industrial commission shall hear the parties and may hear evidence in regard to pertinent matters and may revise the decision in whole or in part, or may refer the matter back to the commission for further findings of fact, and shall file its decision with the records of the proceedings and shall notify the parties. No party shall, as of right, be entitled to a second hearing upon questions of fact.

SEC. 14. *Hearings.*—Questions as to a weekly payment may be heard and decided by the industrial commission or by any commissioner, and the industrial commission or such commissioner may, in acordance with the evidence and subject to this act, issue any order deemed advisable. If the case is heard and decided by a commissioner, his decision may be reviewed under the preceding sections.

SEC. 15. *Decisions.*—Within 10 days after the service of notice, any party in interest may present certified copies of an order or decision of the industrial commission or of a decision of a commissioner from which no claim for review has been filed with the commission within the time allowed therefor, or of a memorandum of agreement between the parties approved by the industrial commission, to the district court for the district in which the accident occurred with a petition for review, whereupon said court shall order the industrial commission to forward the record in the case, shall hear the parties to the controversy, shall render proper decision, and shall notify the parties. Decisions of the court shall have the same effect as a judgment rendered in a trial, but there shall be no appeal therefrom.

SEC. 16. *Expense.*—Neither the laborer nor the commission shall incur any expense whatever in the court prosecution of any matter or proceedings under this act.

SEC. 17. *Fees.*—Fees of attorneys and physicians, and charges of hospitals for service under this act, shall be subject to the approval of the industrial commission. If the insurer and any physician or hospital, or the employee and his attorney, fail to agree as to the amount to be paid for services, either party may notify the industrial commission, which may thereupon assign the case for hearing by a commissioner. The commissioner shall report the facts to the industrial commission for decision and the decision shall be enforceable and final under section 24.

SEC. 18. *Costs.*—If the industrial commission, any commissioner, or any court before which proceedings under this act are brought, determines that such proceedings have been brought, prosecuted, or defended without reasonable ground, the whole cost of the proceedings shall be assessed upon the party who has brought, prosecuted, or defended them.

SEC. 19. *Final decisions by the commission.*—Questions arising under this act, if not settled by agreement by the parties interested therein, approved by the industrial commission, shall be determined by the industrial commission. The decisions of the industrial commission shall, for all purposes, be binding and final under section 24.

SEC. 20. *Determinations of heirs.*—In any case where it is necessary to determine the heirs of a deceased workman, the commission shall so notify the attorney general so that the district attorney of the proper district court, or any law clerk authorized to act as district attorney, may prosecute the case until a declaration of heirs of the deceased laborer is obtained, which declaration shall be forwarded to the commission: *Provided,* That these proceedings shall be prosecuted urgently by the courts, without need of including them in the special calendar: *And provided, further,* That neither the court nor its officers shall charge any fee or costs whatever for such prosecution and declaration, nor for such certifications as they may issue for the use of the commission. Civil registry keepers of the civil register shall issue all certificates necessary for the purpose, free of charge.

SEC. 21. *Agreements to be approved by commission.*—Every agreement or settlement made between a workman or an employer or their insurer as regards accident, disease, or death compensation under this act, shall be null unless submitted to the industrial commission for approval as provided herein; and if approved, shall have the effect of relieving the employer of any ulterior liability for such accident, disease, or death as may be the ground of said

agreement or settlement: *Provided*, That the industrial commission shall have power to approve such agreement or settlement only when the terms thereof are in accordance with the provisions of this act.

SEC. 22. *Reports.*—Every employer shall hereafter keep records of all injuries, serious or otherwise, received by his employees in the course of their employment, if so prescribed by the industrial commission. Within five days after the occurrence of an accident a written report thereof shall be made by the employer to the industrial commission on blanks to be procured from it. Upon the termination of the disability of the injured workman, the employer shall make a supplemental report upon blanks to be procured from said commission. If the disability extends beyond a period of 60 days, the employer shall report to the industrial commission at the end of such period, that the injured employee is still disabled, and upon the termination of the disability, shall file a final supplemental report as provided above.

The said reports shall contain the name and nature of the business of the employer, the situation of the establishment, the name, age, sex, and occupation of the injured employee and shall state the date and hour of any accident causing the injury, the nature and cause of the injury, and other information required by the industrial commission.

Employers refusing or neglecting to make the report required by this section shall be punished by the industrial commission by a fine not to exceed $500. Fines shall be enforced on the property of the employer as in the case of assessments for State insurance, and shall have the same legal effect.

Copies of reports of accidents filed by employers with the industrial commission, and statistics and data compiled therefrom, shall be filed by said commission.

Within 60 days after the termination of the disability of the injured employee, the insurer shall file with the industrial commission a statement showing the total payments made or to be made for compensation for medical services for such injured employee.

SEC. 23. *Hospital records as evidence.*—Copies of hospital records kept in accordance with law and certified by the persons in custody thereof to be true and complete shall be admissible in evidence in proceedings before the courts, the industrial commission, or any commissioner. Before admitting any such copy in evidence, it may be required of the party offering the same to produce the original record.

SEC. 24. *Final decisions executed by superintendent of insurance.*—Final decisions of the commission or of a commissioner, rendered according to section 12, or agreements between employers and workmen approved by the commission, shall be executed by the superintendent of insurance on presentation of a certified copy of the agreement or decision, in the following form:

(*a*) If the employer of a workman suffering an accident is uninsured, as provided in section 25.

(*b*) If insured in the State insurance fund, as provided in section 41.

(*c*) If the employer is his own insurer, as provided for cases of uninsured workmen, or by wholly or partly executing the surety of the employer.

(*d*) If the employer is insured in private insurance companies or mutual associations, by wholly or partly executing the surety of the insurer; and should it be insufficient, then by proceeding to recover the uncollected balance from the insurer as in the case of noninsurance.

An application for review shall not interrupt execution of the decision of the commission or of a commissioner, or of an agreement between employer and workman, unless the insurer and the employer deposit the owing amount of the decision or furnish such surety as in the opinion of the commission or of the court may be sufficient, or unless the court, for just cause, orders suspension of execution.

All remedies granted to employers by this act may be exercised in their names by their insurers including the superintendent of insurance when the employer is insured in the State insurance fund.

SEC. 25. *Uninsured employers.*—In case of an accident to a laborer while working for an employer who in violation of the law is uninsured, the industrial commission shall determine proper compensation, plus expenses incurred by it, and shall certify its decision to the treasurer of Porto Rico who shall assess said compensation, plus expenses, on the employer and collect them from him; and both such compensation and such expenses shall constitute a lien on all the property of said employer, with the same legal effect and priority as if it were a tax levied on such property: *Provided, however*, That the commissioner shall

grant both the employer and the laborer in the case an opportunity to be heard and to defend themselves, and he shall conform, as far as possible, to the practices observed by the district courts.

SEC. 26. *Insurance.*—Every employer shall secure compensation to his workmen for injury, disease, or death as herein stated, in one of the following forms:

1. By insuring in the State fund.

2. By insuring and keeping insured in private insurance companies or in mutual labor accident associations authorized to transact such business in Porto Rico: *Provided*, That no company shall be allowed to write insurance by reason of this act, unless it has filed proper bond in the Treasury of Porto Rico, in cash, first mortgages on real property located in Porto Rico, or in bonds of the United States of America, of the different States, of the Island of Porto Rico, or of the municipalities thereof, to secure all such compensation as may be granted by final decisions of the industrial commission of Porto Rico.

3. By obtaining from the superintendent of insurance a self-insurer's license which may be issued in the discretion of the superintendent upon proof of deposit with the treasurer of Porto Rico of a bond of a duly authorized surety company or of securities approved by the superintendent in an amount to be determined by the superintendent with the advice of the industrial commission. Such license may be revoked at any time for good cause shown. If, in the opinion of the superintendent, the security deposited shall be insufficient to guarantee the liability of the employer under this act, incurred or prospective, the superintendent may cancel the license of such insurer or may require the deposit of additional security as a condition to the continuance of such license.

SEC. 27. *Filing of classifications of risks.*—The insurer shall file with the superintendent of insurance of Porto Rico its classifications of risks and premiums relating thereto, which shall not take effect until approved by the superintendent as adequate and reasonable for the risks to which they respectively apply: *Provided*, That upon petition of the insurer or other party aggrieved, the ruling of the superintendent shall be subject to review by the Supreme Court of Porto Rico. The superintendent may withdraw his approval of the license issued to any insurance company to transact the business of workmen's compensation, and no policy issued by said companies shall be effective until approved by the superintendent of insurance.

SEC. 28. *Notice of coverage.*—Every employer immediately upon providing for the payment of compensation as provided in section 26 shall give written or printed notice of the fact and manner of his provision of compensation for injured employees to all of his employees covered by the provisions of the workmen's compensation act and to all such persons with whom he is about to enter into a contract of hire. He shall file a copy of said notice with the industrial commission. The notice required by this and the preceding section shall be given in such manner as may be approved by the industrial commission.

SEC. 29. *Provisions of contract insurance.*—Every contract of insurance against risk of labor accidents, and every insurance policy evidencing the same, shall contain the following clauses to the effect that the insurer shall be chiefly and directly liable to the employee, to his heirs, and in case of death for payment of compensation granted to workmen or employees by said employer for which he is liable; that as between the employer and the insurer the notice to, or knowledge of, the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that the employer shall be subject to the provisions of this act, to the courts of Porto Rico with jurisdiction over the insurer; that the insurer shall be in all cases bound by, and subject to, orders, proceedings, and decisions against the employer, rendered under the provisions of this act, and that such orders, proceedings, and decisions may be made effective against the surety of the insurer by the superintendent of insurance by administratively auctioning such part of said surety as may be necessary.

SEC. 30. *Furnishing of data.*—Insurers insuring workmen under this act shall, at the request of the industrial commission, furnish it in writing any information required in connection with the administration of this act including any statistics and the names of all employers insured by them.

SEC. 31. *Noncomplying employers.*—If any employer shall fail to secure the payment of compensation for labor accidents in accordance with this act, any injured employee or his dependents may proceed against such employer by

filing an application for compensation with the commission, and, in addition thereto, such injured employee or his dependents may bring an action at law against such employer for damages, the same as if this act did not apply, and shall be entitled in such action to the right, without furnishing bond, to attach the property of the employer in an amount to be fixed by the court, to secure the payment of any judgment which may ultimately be obtained. Such attachment shall include a reasonable attorney's fee to be fixed by the court.

If, as a result of such action for damages, a judgment is rendered against the employer in excess of the compensation awarded under this act, the compensation awarded by the commission, if paid, or if secured by security approved by the court, shall be credited upon such judgment: *Provided*, That in such action it shall be presumed that the injury to the employee was a direct result and grew out of the negligence of the employer, and the burden of proof shall rest upon the employer, to rebut the presumption of negligence. In such proceeding it shall not be a defense to the employer that the employee may have been guilty of contributory negligence, or that he assumed the risk of the hazard complained of, or that the injury was caused by the negligence of a fellow worker, or that the injury was caused by the negligence of a subcontractor or of an independent contractor, unless the contractor or independent subcontractor shall have been insured in accordance with the provisions of this act.

SEC. 32. *Penalty.*—Failure to secure payment of compensation as provided in section 26 shall be a misdemeanor punishable by a fine of not less than $25 nor more than $500, or by imprisonment for not less than 15 days nor more than six months, or by both penalties.

SEC. 33. *Remedy.*—When the employer secures compensation to his employees as provided in this act, the right to recover such compensation pursuant to the provisions hereof shall be the only remedy against the employer; but in cases of accidents, disease, or death of a laborer not subject to compensation hereunder, the liability of the employer shall be and shall remain the same as if this act did not exist.

SEC. 34. *Assignments of insurance.*—If any employer, whether an individual, firm, partnership, association, or corporation, insured under the provisions of this act transfers his business during the period for which said employer is insured to any other employer, whether an individual, firm, partnership, association, or corporation, the industrial commission may, on written notice and with the consent of both parties (the employer originally insured and the employer to whom the business is transferred), assign to his successor all the rights, credits, and obligations of the employer originally insured, and in such cases shall substitute the name of the assignee for the name of the employer originally insured, in all accounts, records, and other matters pertaining to the former, for the balance of the period for which the first employer was insured, notwithstanding the provisions of section 46 of this act.

SEC. 35. *Prohibited agreements.*—No agreement made by an employee to pay any part of the assessments payable by his employer shall be valid; and any employer who, for such purpose, withholds any part of the wages or salary of any employee entitled to the benefits of this act, or who obtains from any employee a receipt showing that said employee received as payment in full of his compensation a sum of money not really paid, shall be guilty of a misdemeanor.

SEC. 36. *Attachments.*—The superintendent of insurance shall direct an attachment of the property of any employer who fails to fulfill his obligation of insuring his workmen for an amount sufficient to cover the sum of such compensation as may be determined by the commission. Said attachment shall be effective until the employer shows that he has performed his duty of insuring and until the liability contracted by him with his workmen during the time he was uninsured has been liquidated, or until he secures payment of such liability to the satisfaction of the superintendent of insurance. Said attachment shall be levied as if it were a case of collection of taxes and shall be made effective in the same manner as when final judgment has been rendered in the case; and as regards the attached property it shall have the priority granted by the civil code to insurance premiums.

SEC. 37. *State insurance.*—Before June 1 of each year the superintendent of insurance shall classify and group the occupations of workmen to whom this act applies in accordance with the probable risk or liability of injury, disease, or death derived from their occupation under existing conditions, and shall fix

rates of insurance to be paid by the employers of workmen in each group of the State insurance fund. All such rates or premiums shall be levied on the estimated pay roll of the employer of such workmen for the fiscal year covered by the insurance on a basis that shall be fair, equitable, and just as among such employers. Where the superintendent of insurance is of the opinion that the pay roll for the fiscal year prior to the year for which insurance is to be collected constitutes a fair basis upon which to estimate the pay roll for the fiscal year during which the insurance is to be effective, the said pay roll for the fiscal year during which the insurance is to be effective shall be estimated thereby: *Provided*, That when, in the opinion of the superintendent of insurance, such pay roll can not be taken as a fair basis upon which to estimate the pay roll for the year during which the insurance is to be effective, the superintendent of insurance may require a deposit in advance as hereinafter provided.

It shall be the duty of the superintendent of insurance to exercise the powers and perform the duties stipulated in this section; to fix and maintain for each group of workmen's occupations the lowest assessment rate compatible with the maintenance of a solvent, permanent, and exclusive State insurance fund and the creation and maintenance of a surplus after paying the compensation and expenses authorized by this act.

The superintendent of insurance may establish as many groups or subgroups as he may deem necessary, and may fix different rates for any group or subgroup.

If, after this act has gone into effect, it is shown by experience that because of poor or careless management, or because of lack of safety appliances, any establishment or work is extraordinarily dangerous in comparison with other like establishments or occupations, the superintendent of insurance may at any time advance its classification of risk and premium rate in proportion to the extraordinary hazard.

To carry out the provisions of this section, and prior to June 1 of each year, the superintendent of insurance shall hold public hearings in different towns of the island, and shall serve notice on all insured employers and to all citizens of Porto Rico interested in the matter so that they may appear to make such allegations as may affect their rights in connection with such grouping of occupations. Such notice shall be published in the newspapers of greatest circulation in the island.

SEC. 38. *Premiums.*—The treasurer of Porto Rico is hereby empowered, authorized, and directed to levy, assess, and collect, semiannually and in advance, from every employer or workman subject to this act such annual premiums as may be determined in accordance with the preceding section on the total amount of wages paid by said employer to workmen who were or would have been entitled to the benefits of this act during the year prior to the levying of premiums, if the same had been in force: *Provided*, That employers duly insured in any of the other forms hereby authorized shall not be subject to the provisions of this section and the following sections relative to State insurance if they show to the satisfaction of the superintendent of insurance that they have insured all their workmen entitled to the benefits of this act.

Said premiums having been collected shall be deposited in the treasury of Porto Rico in the workmen's relief trust fund hereby created.

The assessments shall be made as soon as the duplicate report referred to in section 40 is received in the office of the superintendent of insurance, taking as a basis therefor the total amount paid for wages of workmen employed by each employer during the previous year who were or would have been entitled to the benefits of this act if the same had been in force. Should an employer fail to pay the total amount legally assessed against him within the time fixed by the treasurer, he shall be allowed 30 days' grace; and if on the expiration of this term he has still failed to pay, the treasurer of Porto Rico, without excuse or delay, shall levy an attachment on any property of the employer and shall proceed to collect the assessment due as in the case of collection of property taxes: *Provided*, That the treasurer of Porto Rico may collect surcharges for every month or fraction thereof during which such assessments remain unpaid at the rate of 1 per cent a month: *And provided further*, That the treasurer of Porto Rico is hereby empowered to utilize the services of the officers and employees of the commission to aid him in collecting the assessments and in prosecuting such attachments as may be proper.

Any employer who, prior to July 1 or to the 1st of January of any year, ceases to be subject to the provisions of this act may excuse himself from payment of premiums for the following semester or semesters by giving such

notification and producing such evidence that he will not be subject to this act, as may be required. Any employer subject to this act during any part of a semester, shall pay the premiums for the whole semester, but he shall be entitled to such reimbursement, if any, as provided in the following section: *Provided*, That in such cases reimbursement may be made at the expiration of the semester for which said premiums were paid.

The treasurer is hereby empowered to require a bond of such officers and employees under his orders as, for any reason, have charge of funds: *Provided*, That premiums payable, on such bonds shall be paid out of the workmen's compensation trust fund.

SEC. 39. *Premiums—Same.*—At the end of each fiscal year the superintendent of insurance shall compare the actual pay roll of each employer paying premiums in accordance with this act for such fiscal year with the pay roll of the preceding fiscal year on the basis of which premiums were levied, assessed, and collected by him, and if the pay roll for the year during which the insurance was effective is greater than that of the previous fiscal year for which premiums were levied, assessed, and collected, the treasurer shall levy, assess, and collect upon the difference, additional premiums in the same manner and on the same basis as the original premiums were levied, assessed, and collected; and if the pay roll for the year during which insurance was effective is less than that of the previous fiscal year for which premiums were levied, assessed, and collected, the treasurer shall refund from the workmen's relief trust fund the proportion of the premiums corresponding to the difference between the actual pay roll for the year during which insurance was effective and the year for which they were levied, assessed, and collected: *Provided*, That in any case where the superintendent of insurance believes that the pay roll for the present fiscal year is not a fair basis upon which to estimate the pay roll for the succeeding year, it may require in advance a deposit to cover the premiums during the year for which insurance is to be effective, and if the deposit is found at any time to be insufficient, the treasurer is authorized to require a further deposit to meet such deficiency. The deposits required by the treasurer shall be levied, assessed, and collected in the same manner as hereinbefore provided for the levying, assessment, and collection of premiums.

SEC. 40. *Filing of statements by employers.*—It shall be the duty of every employer of workmen, entitled to the benefits of this act, to file with the superintendent of insurance on or before the 15th day of July of each year a duplicate statement under oath showing the number of workmen employed by said employer, the class of occupation of said workmen and the total amount of wages paid to said workmen during the preceding fiscal year, or evidence that such employer is insured in any of the forms authorized by this act. On the total amount of wages declared in said statement, the premium prescribed in sections 37 and 38 of this act shall be computed: *Provided*, That every employer employing workmen covered by this act for any term or part of a semester, shall file the aforesaid statement in duplicate and under oath, showing the number of workmen employed, the class of occupation, and the estimated wages to be paid such workmen, and on such sum the premium payable by said employer shall be computed, and upon the termination of the work of said workmen the employer shall file a sworn statement similar to the one above stated, showing the total amount of wages paid, on which sum the corresponding liquidation shall be made, and should this pay roll prove greater than the previous one, the treasurer shall assess, levy, and collect additional premiums on the difference.

Collection of these premiums shall have preference over any other obligation of the employer, and such premiums shall constitute a lien on the property of the employer, just as soon as the same shall be left unpaid upon service of notice to pay, with the same priority as granted insurance premiums due to insurers under the civil code.

Should the employer fail to file such statements on the dates specified above, the superintendent of insurance shall allow him 20 additional days in which to do so: *Provided*, That, if on the expiration of this term the employer fails to submit said statements, he shall be guilty of a misdemeanor punishable by a fine of not less than $50 nor more than $500, in the discretion of the court.

Any district court, on motion of the superintendent of insurance, shall order the employer to present the aforesaid statements in a peremptory term. If said employer fails to present such statements, disobedience of said order shall constitute contempt and shall be punished as such.

Insurance of each employer by the State shall be in force immediately after his pay roll or duplicate statement has been filed in the office of the commission, together with the amount of premium corresponding to the percentage of the wages declared in said statement according to the rates fixed by the treasurer: *Provided*, That this shall in no way affect the right of the laborer to proper compensation.

It shall be the duty of every employer of laborers entitled to the benefits of this act to keep a complete register, in accordance with such regulations as may be prescribed by the superintendent of insurance, showing the name of every such laborer, the age and sex of such laborer, the nature of the work performed by, and the wages paid to every one of the said laborers: *Provided*, That if any employer fails to comply with this requisite, he shall be guilty of a misdemeanor punishable by a fine of from $50 to $500.

The superintendent of insurance may order an inspection to be made of all the pay rolls and other books or records of such employers relating to the payment of wages by any representative duly authorized by him; it shall be the duty of such employer to permit such an inspection.

Any employer who knowingly falsifies the information required by this section shall be subject to the same penalty as that herein provided for a failure to file the statement required by this section, and he shall also be liable to the people of Porto Rico for three times the difference between the premium paid and the amount that should have been paid, which sum shall be collected in the same manner as that provided for the collection of the regular premiums under this act.

SEC. 41. *Investments—Accounts.*—The treasurer of Porto Rico may invest any of the surplus or reserve funds belonging to the workmen's relief trust fund in bonds of the United States or of Porto Rico, or bonds for which the credit of the people of Porto Rico has been pledged. All such securities or evidences of indebtedness shall be placed in the hands of the treasurer of Porto Rico, who shall be the custodian thereof. He shall collect the principal thereof or the interest thereon when due and shall pay the same into the workmen's relief trust fund. The treasurer shall pay all warrants or vouchers drawn on the workmen's relief trust fund for the making of such investments when signed by the president and secretary of the commission, approved by the auditor of Porto Rico, and countersigned by the governor. The treasurer, with the consent of the Governor of Porto Rico, may sell any such securities, the proceeds thereof to be paid into the workmen's relief trust fund.

SEC. 42. *Accounts.*—The treasurer of Porto Rico shall keep an accurate account of the money paid in premiums by each of the several groups of employments, and the expenses of administering the workmen's relief trust fund and the disbursements on account of injuries and deaths of employees in each of said groups, including the creation of reserves to meet anticipated and unexpected losses and to carry the claims to maturity; also an account of the amounts received from each individual employer and of the amount disbursed from the workmen's relief trust fund for expenses, and a statement of injuries and deaths of the employees of such employer, and all other necessary accounts of the workmen's relief commission.

SEC. 43. *Defenses abolished.*—When a laborer or his heirs, in accordance with this act and in the cases specified in section 31, and the industrial commission in the cases specified in section 45, institute an action to recover damages from an employer, it shall not be a defense against such action—

(*a*) That the employee was guilty of contributory negligence;

(*b*) That the injury was caused by the negligence of a fellow employee;

(*c*) That the employee had assumed the risk of injury;

(*d*) That the injury was caused by the negligence of a subcontractor or of an independent contractor, unless the contractor or independent subcontractor shall have been insured in accordance with the provisions of this act.

No contract between employer and employee purporting to permit any of said defenses shall be valid.

SEC. 44. *Willful acts, etc.*—Nothing in this act contained shall be interpreted as depriving the injured workman or his heirs, in accordance with this act, in case of death, of waiving the provisions of this act at any time prior to receiving compensation under this act and to claim and recover damages from his employer, in accordance with the provisions of the law before this act takes effect, when the injuries sustained by the said workman were caused by the illegal act or gross negligence (willful misconduct) of his employer: *Pro-*

vided, That only in case of waiver and others comprised herein shall the workmen comprised in this act, or their heirs in accordance with the same, have the right to institute an action for damages against the employer.

SEC. 45. *Liability of third parties.*—In cases where the injury for which workmen are entitled to compensation under this act shall have been sustained under circumstances creating a liability against a third person or against the employer for injuries caused by his illegal act or gross negligence (willful misconduct) or by defects in the machinery or implements, if the workman or his heirs receive compensation under this act from the State fund, the industrial commission shall be subrogated to the rights of the injured workman or his heirs and may prosecute an action and recover damages from such third person or such employer liable for such injury, which damages when recovered shall be covered into the workmen's relief trust fund for the benefit of the particular group in which the injured workman's occupation was classified.

SEC. 46. *Assignments, etc.*—Rights and actions accruing under this act shall not be assignable to other persons nor shall they be subject to attachment or to claims of other persons.

SEC. 47. *Fines.*—All fines collected for violations of any of the provisions of this act shall be deposited in the insular treasury in the workmen's relief trust fund.

SEC. 48. *Pending litigation.*—The provisions of this act shall in no way affect pending litigation relative to workmen's compensation under previous laws.

SEC. 49. *Attorney's fees.*—Any contract, agreement, or stipulation between the injured workman, or his heirs in accordance with this act, and an attorney, for the payment to the said attorney of a fee contingent upon the result of the trial, shall be void and have no legal force or effect unless it be in writing and approved by the industrial commission or the judge of the corresponding court, as the case may be.

Any agreement for the payment of fees to an attorney in an amount in excess of 10 per centum of the amount received by a workman as compensation, shall be illegal and void, and the making of such contract, or the actual receipt by the said attorney of an amount in excess of 10 per centum of the amount recovered at the trial, shall be illegal and void, and shall constitute misconduct on the part of the said attorney, punishable by suspension or disbarment after proper proceedings have been instituted against the offender in accordance with the existing laws.

SEC. 50. *Who may not be attorneys.*—That no member of the industrial commission nor any officer, employee, or agent thereof, nor any person in the service of the same, shall represent another person, nor shall he have any interest in any transaction, claim, or matter in the jurisdiction of the said commission. Violation of this section shall be punished by removal and permanent disability to serve on said commission or under its jurisdiction, it being understood that this prohibition shall not include acts that are purely official done by virtue of office or employment.

SEC. 51. *Disclosures.*—Any information acquired in accordance with this act by the industrial commission or by any officer or employee intrusted with the performance of any duty under this act, shall be deemed to be confidential information, and any officer or employee who shall disclose the said information except by direction of the proper authority, shall be guilty of a misdemeanor.

SEC. 52. *Taxes.*—There is hereby levied in substitution of any tax levied by the laws of Porto Rico on insurance companies for workmen's insurance, a tax of three per cent, on the total amount of premiums received by any partnership, association, corporation, or other artificial person doing business in Porto Rico under the provisions of this act, whatever the form may be in which the insured make payments: *Provided*, That in cases where the employer chooses to be his own insurer he shall pay a tax of 3 per cent on such premiums as he would have had to pay if he were not his own insurer. The proceeds of such tax shall be covered yearly into the insular treasury: *Provided*, That when the amount of the proceeds of said tax is greater than the sum appropriated for the year of their receipt in the general budget of expenditures of the people of Porto Rico for the industrial commission, such excess shall be covered and the treasurer of Porto Rico is hereby directed to cover it into the workmen's relief trust fund hereby created.

SEC. 53. *Accidents not included.*—In all cases of injury or death of employees not subject to the provisions of this act, the liability of the employer is and shall be the same as if this act did not exist.

SEC. 54. *Definitions.*—For the purposes of this act, laborer, workman, or employee, shall be understood to mean any person in the service of any individual, partnership, or corporation regularly employing one or more persons under any service contract, whether express or implied, verbal or written, and whether man, woman, or child: *Provided,* That laborers or employees, in domestic service and those whose work is of a temporary nature are expressly excluded.

The words "laborer" and "employee" include all laborers employed in any manufacturing, commercial, or agricultural establishment by any natural or artificial person for compensation, and by the insular government or any of its dependencies according to the purposes of this act.

SEC. 55. *Workmen's relief trust fund.*—That the amounts existing in the workmen's relief trust fund created by section 1 of an act entitled "An act providing for the relief of such workmen as may be injured, or the dependent families of those who may lose their lives while engaged in trades or occupations, and for other purposes," approved April 13, 1916, are hereby reappropriated to carry out the provisions of this act and shall constitute the workmen's relief trust fund hereby created together with such other sums as are herein specified.

SEC. 56. *Unconstitutionality of act.*—If any clause, paragraph, article, section or part of this act is declared unconstitutional by a court of competent jurisdiction, said decision shall not affect, prejudice, or invalidate the rest of this act, but its effect shall be restricted to the clause, paragraph, article, section, or part hereof so declared unconstitutional.

SEC. 57. *Repealing clause.*—All laws or parts of laws in conflict herewith are hereby repealed.

SEC. 58. *Effective date.*—This act shall take effect 90 days after its approval.

SUPPLEMENTAL LAW

[Act No. 84, Laws of 1928, creates a liquidating board composed of five members to liquidate the present workmen's relief trust fund. The board was authorized to borrow a sum not to exceed $500,000 to discharge obligations, and other provisions.]

RHODE ISLAND

[The compensation law of this State (G. L. 1923, ch. 92) was amended in 1927 by chapter 1058 and by a supplemental law, chapter 1039, also in 1928, by supplemental laws, chapters 1159 and 1207. The changes are noted below.

[Sections 1217 and 1223 (as amended 1926, ch. 764) were further amended by chapter 1058, Acts of 1927, to read as follows:]

(1217) SEC. 6. *Compensation for death.*—If death results from the injury, the employer shall pay the dependents of the employee, wholly dependent upon his earnings for support at the time of his injury, a weekly payment equal to one-half his average weekly wages, earnings, or salary, but not more than $10 nor less than $6 a week, for a period of 300 weeks from the date of the injury, except as hereinafter provided; in case the dependent is the widow of such employee upon whom are dependent one or two children of the deceased employee including adopted and step-children under the age of 18 years or over said age but physically or mentally incapacitated from earning, the employer shall pay such widow not more than $12 a week, and if there are dependent upon such widow three or more such children the employer shall pay such widow not more than $14 a week. Upon the death of any such widow or if there be no widow then upon the death of the injured employee the compensation payable under this chapter shall thereafter be paid to such dependent child or children of the injured employee, and in case there is more than one child the compensation shall be divided equally among them, and such compensation in the case of one child shall be not more than $10 per week and in the case of two children not more than $12 per week and in the case of three or more children no more than $14 per week. Upon the remarriage of the widow of a deceased employee the compensation theretofore payable to such widow shall cease and determine. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the employer shall pay such dependents for a period of 300 weeks from the date of the injury a weekly compensation equal to the same proportion of the weekly payments herein provided for the benefit of persons wholly dependent as the amount contributed annually by the employee to such partial dependents bears to the annual earnings of the deceased at the time of injury. When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than 300 weeks from the date of the injury: *And provided further*, That, if the deceased leaves no dependents at the time of the injury, the employer shall not be liable to pay compensation under this chapter except as specifically provided in section 9 of this article.

(1223) SEC. 12 (as amended 1926, ch. 764). *Specific injuries.*—In case of the following specified injuries there shall be paid in addition to all other compensation provided for in this chapter a weekly payment equal to one-half of the average weekly earnings of the injured employee but in no case more than $10 nor less than $4 a week:

(*a*) For the loss by severance of both hands at or above the wrist, or both feet at or above the ankle, or of one hand and one foot, or the entire and irrecoverable loss of the sight of both eyes or the reduction to one-tenth or less of normal vision with glasses, for a period of 150 weeks.

(*b*) For the loss by severance of either arm at or above the elbow, or of either leg at or above the knee, for a period 100 weeks.

(*c*) For the loss by severance of either hand at or above the wrist, or the entire and irrecoverable loss of the sight of either eye, or the reduction to one-tenth or less of normal vision with glasses, for a period of 80 weeks.

(*d*) For the loss by severance of either foot at or above the ankle, for a period of 70 weeks.

(*e*) For the loss by severance of the entire distal phalange of either thumb, for a period 12 weeks; and for the loss by severance at or above the second joint of either thumb, for a period of 25 weeks.

(*f*) For the loss by severance of one phalange of either index finger, for a period of 12 weeks; for the loss by severance of at least two phalanges of either index finger, for a period of 16 weeks; for the loss by severance of at least three phalanges of either index finger, for a period of 18 weeks.

(*g*) For the loss by severance of one phalange of the second finger of either hand, for a period of 8 weeks; for the loss by severance of two phalanges of the second finger of either hand, for a period of 11 weeks; for the loss by severance of three phalanges of the second finger of either hand, for a period of 13 weeks.

(*h*) For the loss by severance of one phalange of the third finger of either hand for a period of 6 weeks; for the loss by severance of two phalanges of the third finger of either hand, for a period of 8 weeks; for the loss by severance of three phalanges of the third finger of either hand, for a period of 10 weeks.

(*i*) For the loss by severance of one phalange of the fourth finger of either hand, for a period of 5 weeks; for the loss by severance of two phalanges of the fourth finger of either hand, for a period of 7 weeks; for the loss by severance of three phalanges of the fourth finger of either hand, for a period of 9 weeks.

(*j*) For the loss by severance of one phalange of the big toe of either foot, for a period of 10 weeks; for the loss by severance of two phalanges of the big toe of either foot for a period of 15 weeks; for the loss by severance at or above the distal joint of any other toe than the big toe, for a period of 5 weeks for each such toe.

Where in this section payments are required to be made under more than one clause, they shall be made consecutively and not concurrently.

[Sections 1239, 1241, 1243, 1252 were amended by chapter 1207, Acts of 1928, to read as follows:]

(1239) SEC. 2. If the employer and employee fail to reach an agreement in regard to compensation under this chapter, or if the commissioner of labor shall fail to approve any agreement, either employer or employee, and when death has resulted from the injury and the dependents of the deceased employee entitled to compensation are, or the apportionment thereof among them is, in dispute, any person in interest may file in the office of the commissioner of labor a petition setting forth the names and residences of the parties, the facts relating to employment at the time of the injury, the cause, extent, and character of the injury, the amount of wages, earnings, or salary received at the time of the injury, and the knowledge of the employer of notice of the occurrence of the injury, and such other facts as may be necessary and proper for the information of the commissioner and shall state the matter in dispute and the claims of the petitioner with reference thereto.

(1241) SEC. 4. Within 10 days after the filing of the petition the respondent shall file an answer to said petition, together with a copy thereof for the use of the petitioner, which shall state the claims of the respondent with reference to the matter in dispute as disclosed by the petition. No pleadings other than petition and answer shall be required to bring the cause to a hearing for final determination. The commissioner of labor may grant further time for filing the answer and allow amendments of said petition and answer at any stage of the proceedings. If the respondent does not file an answer, the cause shall proceed without formal default and as though the allegations of said petition had been denied, and the commissioner of labor shall hear such witnesses as may be presented by each party and in a summary manner shall decide the merits of the controversy and file his decision thereof in writing together with his order upon the parties in accordance therewith. If, however, the respondent is an infant or person under disability, or if an appeal from his decision shall be taken by either party within 5 days after notice thereof, or if within 10 days thereafter the terms of such order shall not have been complied with and upon complaint to him by the party in whose favor such decision is given, and such decree is entered of such noncompliance therewith, the commissioner of labor shall forthwith certify all the papers, documents, and agreements to the clerk of the superior court having jurisdiction of the matter as provided in section 15 of this article. If the resident be an infant or person under disability, the superior court shall appoint a guardian ad litem for such infant or person under disability. Such guardian ad litem may be appointed on any court day after service of the copy referred to in section 3 of this article, upon motion of any party after notice given as required for

motions made in the superior court, and opportunity to said infant or person under disability to be heard in regard to the choice of such guardian ad litem. The guardian ad litem so appointed shall appoint [file] the answer required by this section.

(1243) SEC. 6. The justice to whom said petition shall be referred by the court shall proceed to hear de novo all questions of law and fact therein involved and such witnesses as may be presented by each party, and in a summary manner decide the merits of the controversy. His decision shall be filed in writing with the clerk, and a decree shall be entered thereon. Such decree shall be enforceable by said superior court by any suitable process, including executions against goods, chattels, and real estate, and including proceedings for contempt for willful failure or neglect to obey the provisions of said decree. Such decree shall contain findings of fact, which, in the absence of fraud, shall be conclusive. The superior court may award as costs the actual expenditures, or such part thereof as to the court shall seem meet, but not including counsel fees, and shall include such costs in its decree. The superior court may refuse to award costs, and no costs shall be awarded against an infant or person under disability or against a guardian at litem.

(1252) SEC. 15. Whenever the commissioner of labor shall certify to the superior court the papers, agreements, and documents, in any proceeding as is hereinbefore provided, he shall certify the same to the clerk of the superior court in the county where the employer or employee lives or has a usual place of business. The court where any proceeding is brought shall have power to grant a change of venue.

SUPPLEMENTAL LAW

[Chapter 79, G. L. 1923, was amended by chapter 1039, Acts of 1927, by providing for the maintenance of certain injured employees eligible for rehabilitation and instruction in addition to compensation to which the employee is entitled under the workmen's compensation.]

[Section 5, chapter 87, G. L. 1923 (as amended 1925, ch. 626), was amended by chapter 1159, Acts of 1928, by increasing the salary of the deputy commissioner of labor from $2,800 to $3,000.]

SOUTH DAKOTA

[The compensation law of this State was amended by chapter 222, acts of 1927, and a supplemental law, chapter 223, Acts of 1927. The changes are noted below.

[Section 9459 subsection 1, R. C. 1919 (as amended 1919, ch. 363), was amended by chapter 222, Acts of 1927, to read as follows:]

SEC. 9459. *Compensation for injury.*—The employer shall provide necessary first-aid, medical, surgical, and hospital services or other suitable and proper care, also medical and surgical supplies and apparatus during disability, and treatment and hospital services or other suitable or proper care for a period of not longer than 12 weeks, not to exceed the amount, however, of $100 for hospital services or other suitable or proper care and not to exceed the amount of $100 for medical and surgical services, a total of $200. The employee may elect to secure his own physician, surgeon, or hospital services at his own expense.

SUPPLEMENTAL LAW

[Chapter 223, Acts of 1927, authorizes the payment of claims of injured employees of the State out of funds of the industrial commission appropriated for that purpose, but certain boards may either pay claims out of funds available for maintenance or procure workmen's compensation insurance.

[Chapter 117 of the Acts of 1921 was repealed.]

TENNESSEE

[The compensation law of this State (Acts of 1919, ch. 123) was amended by chapter 40 and by supplemental laws, chapters 24 and 62, Acts of 1927. The changes are noted below.

[Section 28 (*a*) increases maximum payment for temporary total disability from $12 to $16 by chapter 40, Acts of 1927.

[Section 28 (*b*) increases maximum payment for temporary partial disability from $12 to $16 by chapter 40, Acts of 1927.

[Section 28 (*d*) increases maximum payment for permanent total disability from $12 to $16 by chapter 40, Acts of 1927.

[Section 30 increases maximum payment from $12 to $16 without distinction as to the number of dependents by chapter 40, Acts of 1927, in death cases.

[Section 30, subsection 9, was amended by chapter 40, Acts of 1927, to read as follows:]

Upon the remarriage of the widow, if there are no children of the deceased employee, the compensation shall terminate, but if there are children under 18 years, the said compensation, at the time of the remarriage, payable to the widow, shall pass to and be vested in such children.

[Sections 31, 35, and 39 were amended by chapter 40, sections 4, 5, and 6, Acts of 1927, by substituting the words "division of workmen's compensation" for bureau of workshop and factory inspection so that notices, settlements, and receipts are hereafter to be sent to the former.]

Supplemental Law

[Chapter 32, Acts of 1913, was amended by chapter 24, Acts of 1927, by providing that the division of workmen's compensation be substituted for the bureau of workshop and factory inspection in receiving reports of accidents and that these reports be made by all those subject to the workmen's compensation act.

[Chapter 62, Acts of 1927, provides that employees of the department of highways and public works be compensated for injuries sustained, but not in a sum greater than that provided for similar injuries under the workmen's compensation law.]

TEXAS

[The compensation law of this State (R. C. S., tit. 130) was amended by chapters 28, 60, 223, 224, 234, 241, 259, 270, acts of 1927. The changes are noted below.

[Article 8306, section 6, was amended by chapter 60, Acts of 1927, by adding a new sentence after the word "law" in the last line as follows: *Provided further*, That if such incapacity continues for four weeks or longer, compensation shall be computed from the inception date of such incapacity.]

[Article 8306, section 11a, added by chapter 28, Acts of 1927. This provision creates a conclusive presumption of total and permanent disability in certain cases which was apparently inadvertently omitted in the 1925 Revised Civil Statutes, and which is as follows:]

SEC. 11*a*. *Permanent total disability presumed.*—In cases of the following injuries, the incapacity shall conclusively be held to be total and permanent, to wit:

(1) The total and permanent loss of the sight of both eyes.

(2) The loss of both feet at or above the ankle.

(3) The loss of both hands at or above the wrist.

(4) A similar loss of one hand and one foot.

(5) An injury to the spine resulting in permanent and complete paralysis of both arms or both legs or of one arm and one leg.

(6) An injury to the skull resulting in incurable insanity or imbecility.

In any of the above-enumerated cases it shall be considered that the total loss of the use of a member shall be equivalent to and draw the same compensation during the time of such total loss of the use thereof as for the total and permanent loss of such member.

The above enumeration is not to be taken as exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total incapacity.

[Article 8306, section 19, was amended by chapter 259, Acts of 1927, to read as follows:]

SEC. 19. *Extraterritoriality.*—If an employee, who has been hired in this State, sustain injury in the course of his employment he shall be entitled to compensation according to the law of this State even though such injury was received outside of the State; and that such employee, though injured out of the State of Texas, shall be entitled to the same rights and remedies as if injured within the State of Texas, except that in such cases of injury outside of Texas, the suit of either the injured employee or his beneficiaries, or of the association, to set aside an award of the Industrial Accident Board of Texas, or to enforce it, as mentioned in article 8307, sections 5–5a, shall be brought either—

a. In the county of Texas where the contract of hiring was made, or

b. In the county of Texas where such employee or his beneficiaries or any of them reside when the suit is brought, or

c. In the county where the employee or the employer resided when the contract of hiring was made, as the one filing such suit may elect.

Providing, That such injury shall have occurred within one year from the date such injured employee leaves this State: *And provided further*, That no recovery can be had by the injured employee hereunder in the event he has elected to pursue his remedy and recovers in the courts of the State where such injury occurred.

[Article 8307, section 5, was amended by chapter 223, Acts of 1927, by no longer requiring notice to the adverse party of intention not to abide by the final ruling and decision of the industrial accident board.]

SUPPLEMENTAL LAW

[By chapter 224, Acts of 1927, the commissioner of insurance is superseded by a board of three insurance commissioners. They shall have general super-

vision of matters relating to casualty, workmen's compensation, fidelity, guaranty, and miscellaneous insurance.

[Chapter 234, Acts of 1927, provides for the exemption from execution, attachment, or garnishment insurance payable in installments. Those paid under the workmen's compensation act apparently fall within the exemption. (See art. 8306, sec. 3, of compensation act.)

[Chapter 241, Acts of 1927, extends the act relative to the liability of the employers' insurance association by including judgments of a court of admiralty and maritime jurisdiction.

[Chapter 270, Acts of 1927, regulates motor-bus transportation and makes compensation insurance compulsory as to such companies.]

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VERMONT

[The compensation law of this State (G. L. 1917, ch. 241) was amended by Acts Nos. 98, 99, and 100, laws of 1927. The changes are noted below:

[Section 5758, Subdivision V, was amended by chapter 98, Acts of 1927, to read as follows:]

SEC. 5758. *Definition.*— * * *

V. "*Employment.*"—In the case of private employers, to include employment only in a trade or occupation which is carried on by the employer for the sake of pecuniary gain. "Public employment" to mean employment by the State, as provided by the provisions of this chapter, and by any of the public corporations mentioned in section 5769 but not to include the employment of public officials who are elected by popular vote or who receive salaries exceeding $2,000 a year.

[Section 5769 was amended by Act No. 98, section 2, Acts of 1927, to read as follows:]

SEC. 5769. *State and municipal bodies.*—The provisions of this chapter shall apply to employees in the State department of highways other than office employees and to employees other than officials as hereinbefore defined, of towns, town school districts, incorporated school district, incorporated villages, and fire districts. Policemen, firemen, and others entitled to pensions shall be deemed employees within the meaning of this chapter. If, however, any policeman, fireman, or other person entitled to a pension claims compensation under the provisions of this chapter, there shall be deducted from such compensation any sum which such policeman, fireman, or other person may be entitled to receive from any pension or other benefit fund to which the municipal body may contribute: *Provided, however,* That the provisions of this chapter shall not apply unless and until such municipal body so votes at a meeting duly warned for that purpose.

[Section 5784 was amended by chapter 99, Acts of 1927, to read as follows:]

SEC. 5784. *Medical, etc., aid.*—During the first 14 days of disability the employer shall furnish reasonable surgical and medical services and supplies not exceeding the amount of $50. Said employer shall also furnish reasonable hospital services and supplies not exceeding the amount of $150 during the first 30 days of disability. The pecuniary liability of the employer for the medical, surgical, and hospital services herein required shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured person.

[Section 5802 (as amended 1919, No. 159), was further amended by chapter 100, Acts of 1927, to read as follows:]

SEC. 5802. *Procedure (hearings and awards).*—If the compensation is not fixed by agreement, either party may apply to said commission for hearing and award in the premises; and said commission shall set a time and place for hearing and give at least six days' notice thereof to the parties. Such hearing shall be held at the county seat in the county within which the injury occurred, or in such town within said county as said commissioner may designate, or in any other town in any other county in Vermont that the parties may agree upon. So far as possible all hearings shall be held at the county courthouse or the municipal court room, and it shall be the duty of the sheriff of the county in which said hearings are held to furnish proper accommodations and cause the same to be properly heated and lighted; but if the injury occurred outside the State, said commissioner shall designate some place within the State for such hearing. At such hearing a full trial shall be had; and within six months thereafter said commissioner shall make his award setting forth his findings of fact and the law applicable thereto, and shall forthwith send to each of the parties a copy of such award.

[Section 5824 was amended by Act No. 98, Acts of 1927, by providing that State and municipalities may insure with an authorized insurance carrier.]

SUPPLEMENTAL LAW

[Chapter 98, Acts of 1927, provided further as follows:]

SEC. 4. *Construction.*—This act is not to be construed so as to make the State an employer where it only renders State aid to a municipality or approves of its plans or supervisors.

SEC. 5. *State highways board—Regulations.*—The State highway board shall be deemed the agency of the State as employer under the provisions of chapter 241 of the general laws as affected by this act, and is authorized to make rules and regulations as to details of administration subject to the approval of the commissioner of industries.

SEC. 6. *Construction.*—This act shall be deemed to be an election by the State where an election is required by the provisions of chapter 241 of the General Laws, and shall take effect from its passage.

SEC. 7. *Appropriation.*—The sum of $15,000 is hereby annually appropriated for the purposes of carrying out the provisions of this act, said sum to be paid from sums appropriated to highway department.

VIRGINIA

[The compensation law of this State (Acts of 1918, ch. 400) was amended by chapters 19, 227, and 445, Acts of 1928, and by supplemental law, chapter 33, Act of 1927 (special session). The changes are noted below.

[Section 61 (as amended 1924, ch. 318) was amended by chapter 227, Acts of 1928, by providing that no appeal can now be taken from the decision of one commissioner until a review of the case has been had before the full commission and an award entered by it.

[Sections 65 and 67 (as amended 1924, ch. 318) were amended by chapter 19, Acts of 1928, by providing (sec. 65) that fees of attorneys, physicians, and hospitals are now subject to award as well as approval by the commission; and (ch. 67) provides that all injuries must now be reported to the industrial commission instead of only those causing absence from work for more than seven days.

[Section 75 (as amended 1924, ch. 318) was amended and reenacted by chapter 445, Acts of 1928, by providing that authority to grant permits to insurance carriers, the regulation of rates, and the assessment of the tax on premiums, are now vested in the State corporation commission, and making other changes.]

Supplemental Law

[Chapter 33, Acts of 1927 (special session), provides for a reorganization of the administration of the State government, and under it the industrial commission was placed within the department of workmen's compensation.]

WASHINGTON

[The compensation law of this State was amended by chapter 310, Acts of 1927. The changes are noted below.

[Section 7674, C. S. 1910 (ch. 182, Acts of 1921), was amended by chapter 310, Acts of 1927, to read as follows:]

SEC. 7674. *Extrahazardous employments.*—There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This act is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them, which are within the legislative jurisdiction of the State, in the following enumeration, and they are intended to be embraced within the term "extrahazardous" wherever used in this act, to wit:

Factories, mills, and workshops where machinery is used; printing, electrotyping, photo-engraving, and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, water works, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power; quarries; engineering works; logging, lumbering, and shipbuilding operations; logging, street and interurban railroads; buildings being constructed, repaired, moved, or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries and railroads, general warehouse and storage; transfer, drayage and hauling; warehousing and transfer; fruit warehouse and packing houses. If there be or arise any extrahazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established, shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risk classified in section 4: *Provided, however,* The following operations shall not be deemed extrahazardous within the meaning, or be included in the enumeration of this section, to wit: Using power-driven coffee grinders in wholesale or retail grocery stores; using power-driven washing machines in establishments selling washing machines at retail; using power-driven machinery in shoe-repair shops; using computing machines in offices; using power-driven taffy pullers in retail candy stores; using power-driven milk shakers in establishments operating soda fountains; the duties of employees in restaurants; using power-driven hair cutters in barber shops; using power-driven machinery in beauty parlors; using power-driven machinery in optical stores; driving automobiles, exclusive of trucks mentioned in class 11–1 of section 7676 of Remington's Compiled Statutes.

The director of labor and industries through and by means of the division of industrial insurance shall have power, after hearing had upon its own motion, or upon the application of any party interested, to declare any occupation or work to be extrahazardous and to be under this act. The director of labor and industries shall fix the time and place of such hearing and shall cause notice thereof to be published once at least 10 days before the hearing in at least one daily newspaper of general circulation, published and circulated in each city of the first class of this State. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any order issued by the director of labor and industries after hearing had. Any person affected shall have the right to appear and be heard at any such hearing. Any order, finding, or decision of the director of labor and industries made and entered under the foregoing provisions of this act shall be subject to review within the time and in the manner specified in section 8 of this act, and not otherwise.

[Section 7675, C. S. 1910 (ch. 182, Acts of 1921), was amended by chapter 210, Acts of 1927, to read as follows:[

SEC. 7675. *Definitions.*—In the sense of this act words employed mean as here stated, to wit:

Factories mean undertakings in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair or change, and shall include the premises, yard, and plant of the concern, except when otherwise expressly stated.

Workshop means any plant, yard, premises, room, or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing, or ornamenting, finishing, or adapting for sale or otherwise any article or part of article, machine, or thing, over which premises, room, or place the employer of the person working therein has the right of access or control, except when otherwise expressly stated.

Mill means any plant, premises, room, or place wherein machinery is used, any process of machinery, changing, altering, or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses, and bunkers, except when otherwise expressly stated.

Mine means any mine where coal, clay, ore, mineral, gypsum, or rock is dug or mined underground.

Quarry means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel, or rock is cut or taken for manufacturing, building, or construction purposes.

Engineering work means any work of construction, improvement, or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals, electric, steam or water power plants, telegraph and telephone plants and lines, electric light or power lines, and includes any other works for the construction, alteration, or repair of which machinery driven by mechanical power is used, except when otherwise expressly stated.

Except when otherwise expressly stated, employer means any person, body of persons, corporate or otherwise, and the legal personal representatives of a deceased employer, all while engaged in this State in any extrahazardous work or who contracts with another to engage in extrahazardous work.

Workman means every person in this State, who is engaged in the employment of any employer coming under this act whether by way of manual labor or otherwise, in the course of his employment: *Provided, however*, That if the injury to a workman is due to the negligence or wrong of another not in the same employ, the injured workman, or if death result from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the State for the benefit of the accident fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated by this act for such case. Any such cause of action assigned to the State may be prosecuted or compromised by the department, in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Any individual employer or any member or officer of any corporate employer who shall be carried upon the pay roll at a salary or wage not less than the average salary or wage named in such pay roll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances, and subject to the same obligations, as a workman: *Provided*, That no such employer or the beneficiaries or dependents of such employer shall be entitled to benefits under this act unless the director of labor and industries prior to the date of the injury has received notice in writing of the fact that such employer is being carried upon the pay roll prior to the date of the injury as the result of which claims for a compensation are made.

Dependent means any of the following-named relatives of a workman whose death results from any injury and who leave surviving no widow, widower, or child under the age of 16 years, viz: Invalid child over the age of 18 years, daughter between 16 and 18 years of age, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brother, niece, nephew, who at the time of the accident are actually and necessarily dependent in whole or in part for their support upon the earnings of the workman. Except where otherwise provided by treaty,

aliens other than father or mother, not residing within the United States at the time of the accident are not included. A dependent shall at all times furnish to the director of labor and industries proof satisfactory to the director of labor and industries of the nature, amount, and extent of the contribution made by such deceased workman.

Beneficiary means a husband, wife, child, or dependent of a workman in whom shall vest a right to receive payment under this act.

Invalid means one who is physically or mentally incapacitated from earning.

The word "child" as used in this act, includes a posthumous child, a stepchild, a child legally adopted prior to the injury, and an illegitimate child legitimated prior to the injury.

The word "injury" as used in this act means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical condition as results therefrom.

The word "hernia" means a real traumatic hernia resulting from the application of force which either punctures or tears the abdominal wall, as distinguished from all others which are either congenital or of slow development and not included within the meaning of the word "hernia."

The term "educational standard" shall mean such standards as the supervisor of safety shall make for the purpose of educating and training both employer and workman in the appreciation and avoidance of danger, and in the maintenance and proper use of safe place and safety-device standards.

[Section 7676, C. S., 1910 (ch. 131, Acts of 1919, as amended 1923, ch. 136), was further amended by chapter 310, Acts of 1927, to read as follows:]

SEC. 7676. *Premium rates.*—Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall, prior to the 15th day of each month hereafter, pay into the State treasury for the accident fund, a sum equal to a percentage of his total pay roll for the preceding calendar month, and for the medical-aid fund a certain number of cents for each day worked by workmen in extrahazardous employment during the preceding calendar month, in accordance with the following schedule, to wit (the same being deemed the most accurate method of equitable distribution of burden in proportion to relative hazard): *Provided*, That, as nearly as may be practicable, the balance in the accident fund of any class, on the first day of each calendar month, together with the estimated payments to be made on or before the 15th day of each respective calendar month, shall not exceed 125 per cent of the estimated amount required to carry such class for such month, based on the previous five years' experience of such class, but there may be added the amount of the estimated deficit, if any, in the accident fund of such class on the first of such calendar month.

	Industries	Industrial insurance rate, per cent of pay roll	Medical-aid rate, cents per day
	CLASS		
1-1	Ditches and canals (not otherwise specified)	1¾	3
	Canals other than irrigation	1¾	3
	Excavations (not otherwise specified)	1¾	3
	Pipe laying (not otherwise specified)	2	6
	Grading (not otherwise specified)	1¾	3
	Diking	1¾	3
1-2	Drilling wells	2	3
1-3	Shaft sinking (not otherwise specified)	8	10
	Digging wells	8	10
1-4	Sewers (including all operations incidental to sewer construction, pipe laying, back filling, etc.)	2	6
	Back filling (incidental to pipe laying)	2	6
	Side sewers	2	6
	Conduit construction	2	6
	Water-main construction (includes all operations incidental to water-main construction; back filling, pipe laying, etc.)	2	6
	Tunnel work in connection with sewer and water-main construction	2	6
	Trenches, ditches, excavations where depth is greater than width	2	6
1-5	Tunnels (not otherwise specified—includes lining of tunnels and all labor in connection with and incidental to tunnel construction)	3	5
1-6	Tunnels, railroad (includes lining of tunnels)	2½	4
1-7	Land clearing (includes clearing by all methods)	4½	5

	Industries	Industrial insurance rate, per cent of pay roll	Medical-aid rate, cents per day
	CLASS 1—continued		
	Clearing rights of way for roads and railroads	4½	5
	Clearing rights of way (not otherwise specified)	4½	5
	Grubbing stumps (includes grubbing stumps by all methods)	3	3
1-8	Railroad construction (not otherwise specified, excludes all bridge and trestle work)	3¼	6
	Railroad grading	2½	3
	CLASS 2		
2-1	Bridges and bridge work	2½	6
	Steel bridges	2½	6
	Concrete bridges	2½	6
	Wooden bridges	2½	6
	Concrete or other types of culverts with span greater than 12 feet	2½	6
	Bridge foundations	2½	6
	Subaqueous work	2½	6
	Trestles, framed or pile	2½	6
	Wharf and pier construction	2½	6
	Pile driving	2½	6
	Bulkhead construction	2½	6
	Breakwaters and jetties	2½	6
	Railroads, steam (bridge and trestle work)	2½	6
	Marine railways	2½	6
	CLASS 5		
5-1	Window washing (excludes domestic servants regularly employed for other purposes)	2½	4
	Washing or cleaning buildings	2½	4
5-2	Brick work	1½	2
	Stone work	1½	2
	Marble, tile, terra cotta	1½	2
	Chimneys (brick)	1½	2
	Slate work	1½	2
5-3	Plumbing	1	2
	Installation of heating and ventilation systems	1	2
	Furnaces (installation in buildings)	1	2
5-4	Painting of buildings or structures	2	2½
	Painting (inside or outside work)	2	2½
	Sign painting	2	2½
	Frescoing	2	2½
	Whitewashing	2	2½
	Kalsomining	2	2½
5-5	Carpenter work (not otherwise specified)	2	3½
	Hot-house building	2	3½
	Wooden-stair building	2	3½
	Lathing	2	3½
	Grain elevators (wood)	2	3½
	House wrecking and moving store or bank fixtures (installations)	2	3½
	Advertising signs (wood)	2	3½
	Elevators, freight or passenger (installation)	2	3½
	Roof work	2	3½
	Ornamental metal work	2	3½
	Glass setting (not otherwise specified)	2	3½
	Galvanized iron and tin work	2	3½
	Fireproof doors and shutters	2	3½
	Demolishing structures	2	3½
	Safes and vaults (installation)	2	3½
	Metal ceiling work	2	3½
5-6	Concrete construction (not otherwise specified)	2	3½
	Concrete culverts (less than 12-foot span)	2	3½
	Concrete, plain or reinforced (not otherwise specified)	2	3½
	Concrete floors and foundations	2	3½
	Chimneys (concrete)	2	3½
	Erection and tearing down of forms in connection with concrete work	2	3½
5-7	Plastering	½	1½
	Paper hanging	½	1½
	Floor compositions (hot or cold)	½	1½
	Mantel setting	½	1½
	Tile setting in floors	½	1½
5-8	Iron and steel structures (not otherwise specified)	8	8
	Tanks, wood or metal (erection)	8	8
	Chimneys, metal (erection)	8	8
	Metal smokestacks or chimneys	8	8
	Windmills, wood or metal (erection)	8	8
	Water towers, metal or wood (erection)	8	8
	Fire escapes	8	8
5-9	Hardwood floors (laying)	½	1
5-10	General construction (includes all operations by temporary employers in building construction)	2	4

	Industries	Industrial insurance rate, per cent of pay roll	Medical-aid rate, cents per day
	CLASS 6		
6-1	Electric apparatus (installation in buildings)	⅔	2½
	Electric wiring (inside)	⅔	2½
	Automatic sprinklers (installation)	⅔	2½
	Conduit work (excludes construction of conduit)	⅔	2½
	Fire-alarm systems (installation)	⅔	2½
6-2	Electric-railway construction	1½	4
	Street-railway construction (including cable) (excludes grading and bridge work)	1½	4
	Street-railway grading	1½	4
	Telegraph and telephone construction	1½	4
	Transmission lines (construction)	1½	4
6-3	Installation of machinery (not otherwise specified)	1½	2
	Dynamo installation	1½	2
	Covering steam pipes and boilers	1½	2
	Gas engines (installation)	1½	2
	Boilers and engines, steam (installation)	1½	2
	Belts, pulleys, shafting (installation)	1½	2
	Dismantling machinery	1½	2
	Moving machinery, boilers, etc	1½	2
6-4	Junk dealers	1½	1½
8-1	Street and highway paving (construction)	1½	3
	Asphalt paving	1½	3
	Brick paving (construction and repair)	1½	3
	Block paving (wood, stone)	1½	3
	Concrete paving	1½	3
	Bituminous pavements (all types)	1½	3
	Asphalt mixing	1½	3
	Concrete sidewalks	1½	3
	Plank sidewalks	1½	3
	Road and highway pavements (not otherwise specified)	1½	3
	Plank road and street construction	1½	3
8-2	Road and street grading	2	3
8-3	Road and street maintenance	2	2
	Road and street employees	2	2
	Irrigation ditches (maintenance)	2	2
	Ditches (not otherwise specified; maintenance)	2	2
	Engineers and surveyors (includes city, county, or State engineers engaged in field work)	2	2
8-4	Gravel bunkers (operation)	2½	3
	Gravel pits (operated in connection with road work)	2½	2
	Sand bunkers (operation)	2½	3
	CLASS 9		
9-1	Ship or boat building (steel hulls)	1¾	2
	Repair work on steel vessels (includes all operations incidental to this industry within shipyard)	1¾	4
9-2	Ship or boat building (wooden hulls)	1¾	4
	Repair work on wooden vessels (includes all operations within shipyard)	1¾	4
9-3	Ship or boat building (concrete hulls)	1¾	4
	Repair work on concrete vessels (includes all operations within shipyard)	1¾	4
9-5	Steamboats, tugs, ferries (operation)	1¾	3
	CLASS 10		
10-2	Saw mills	1¾	3
	Wood saws in fuel yards	1¾	3
	Planing mills (independent)	1¾	3
	Tie mills	1¾	3
	Planing mills (not otherwise specified)	1¾	3
	Lath mills	1¾	3
	Masts (with or without machinery)	1¾	3
	Spars (with or without machinery)	1¾	3
10-3	Shingle mills	1¾	3½
10-6	Creosote works	3	6
	Pile treating works	3	6
10-7	Lumber inspectors	½	2
	CLASS 11		
11-1	Team and truck driving (includes all warehouses operated by transfer companies)	1¼	2½
	Safe moving (in connection with transfer, drayage, etc.)	1¼	2½
11-2	Retail lumber yards	1¾	3
	Trucking (contract)	3	4
	Retail fuel yards (includes wood saws and all employees in fuel yards)	1¾	3
	General hauling (not otherwise specified) and contract trucking	3	4
11-3	Lumber yards (retail; without power-driven machinery)	1½	1½
11-4	Auto freight transportation	2	2

	Industries	Industrial insurance rate, per cent of pay roll	Medical-aid rate, cents per day
	CLASS 12		
12-1	Dredging (operation)	1¾	3
	CLASS 13		
13-1	Electric light and power plants (operation)	1¾	2
	Electric systems (not otherwise specified)	1¾	2
	Bridge tenders electrically operated	1¾	2
13-2	Steam heat and power plants	2	1½
13-3	Telephone and telegraph (operation and maintenance) (excludes telephone and telegraph operators)	2	3
	CLASS 14		
14-1	Street railways (operation)	¾	1½
14-2	Interurban railways (operation)	1	3
14-3	Steam railroad operations (excludes logging railroads)	2½	2½
	CLASS 16		
16-1	Coal mines (includes shaft sinking and all tunneling in connection with coal mines)	3	8
	Coke ovens (operation; excludes office force only)	3	8
	CLASS 17		
17-1	Gravel pits	1	4
17-2	Mines (other than coal; includes all shaft sinking and tunneling in connection with mines other than coal)	1½	4
	Ore reduction (by wet or dry process at the mine)	1½	4
17-3	Quarries	2¾	4
	Stone cutting (quarry hazard)	2¾	4
17-4	Stone crushing	1½	4
	CLASS 18		
18-1	Blast furnaces (operation)	¾	2½
	Rolling mills (operation)	¾	2½
	Steel and iron making	¾	2½
	Open-hearth furnaces (operation)	¾	2½
18-2	Smelters (operation)	½	4
	Copper, lead, zinc, etc., smelting	½	4
	CLASS 19		
19-1	Gas works (operation) (excludes meter readers, complaint men, solicitors, and storeroom employees)	1	1
	CLASS 21		
21-1	Chop, feed, and flour mills (operation)	¾	1½
	Seed cleaning	¾	1½
21-2	Grain warehouse and elevators (operation)	¾	1½
21-3	General warehouse and storage (operation; excludes operations in connection with class 11)	½	1
21-4	Fruit warehouses	¾	1
	CLASS 22		
22-1	Laundries (operation)	35	1
	Dye works and cleaners	35	1
	CLASS 23		
23-1	Water works (operation)	¾	1½
	CLASS 24		
24-1	Paper mills (operation)	1	2
	Pulp mills (operation)	1	2
	CLASS 29		
29-1	Cooperage (manufacturing)	1	2½
	Staves, barrel, tub (manufacturing)	1	2½
	Barrels, kegs, pails (manufacturing)	1	2½
	Basket manufacturing	1	2½
29-2	Sash, door, blinds, etc	1	2½
	Planing mill (in connection with sash and door factory)	1	2½
	Glazing and beveling glass (in connection with sash and door)	1	2½
29-3	Excelsior (manufacturing)	1¼	2
	Veneering (manufacturing)	1¼	2
	Cabinet works	1¼	2
	Furniture (manufacturing)	1¼	2

	Industries	Industrial insurance rate, per cent of pay roll	Medical-aid rate, cents per day
	CLASS 29—continued		
	Boxes and packing cases (manufacturing)	1¼	2
	Wooden and fiber ware (manufacturing)	1¼	2
	Woodworking (not otherwise specified)	1¼	2
	Kindling wood	1¼	2
	Wood pipe (manufacturing)	1¼	2
	Pattern shops (independent)	1¼	2
	CLASS 31		
31–1	Building material (manufacturing; not otherwise specified)	1	2
	Concrete blocks and files (independent of concrete construction)	1	2
	Cement staves (independent of concrete construction)	1	2
	Lime (manufacturing)	1	2
	Paint and oils (manufacturing)	¾	2
31–2	Cement (manufacturing)	¾	2½
31–3	Stone handling and cutting (not quarry hazard)	1	1½
	Paving blocks (cutting)	1	1½
	CLASS 33		
33–1	Fish canneries (operation)	1⅔	2
33–2	Fish oil (manufacturing)	½	1
	Fish products (not otherwise specified)	½	1
	CLASS 34		
34–1	Auto repair shops (operation)	½	2
	Auto garages (operation)	½	2
	Vulcanizing tires and tubes	½	2
	Automobile painting	½	2
34–2	Machine shops (operation)	¾	2
	Blacksmith shops (operation)	¾	2
	Boiler works (operation)	¾	2
	Foundries (operation)	¾	2
	Woodworking (incidental to car and machine building)	¾	2
	Welding (not otherwise specified)	¾	2
34–4	Metal-working trades (not otherwise specified)	1	2
	Sheet metal (manufacturing)	1	2
	Metal stamping	1	2
	Tin stamping	1	2
	Hardware (manufacturing)	1	2
	Galvanized iron works	1	2
	Cans (manufacturing)	1	2
34–5	Airplane pilots and instructors	2½	3
34–6	Gas service stations	¼	2
	Oil service stations	¼	2
	CLASS 35		
35–1	Brick and tile (manufacturing)	1¼	2
	Earthenware (manufacturing)	1¼	2
	Porcelain (manufacturing)	1¼	2
	Fireclay (manufacturing)	1¼	2
	Terra cotta	1¼	2
	Pottery (manufacturing)	1¼	2
35–2	Briquettes (manufacturing)	1	1
	Peat fuel (manufacturing)	1	1
	Charcoal (manufacturing)	1	1
35–3	Glass (manufacturing)	½	1
	CLASS 37		
37–1	Alcohol, ammonia, nitrogen, oxygen (manufacturing)	1	2½
37–2	Bottling works (operation)	¾	2
	Breweries (operation)	¾	2
	CLASS 38		
38–1	Brooms and brushes (manufacturing)	½	1
38–2	Textile (manufacturing)	¼	1
	Wool (working in)	¼	1
	Cloth (working in)	¼	1
38–3	Cordage (manufacturing)	½	1
38–4	Leather (working in)	½	1
	Rubber (working in)	½	1
	Vulcanizing (excludes work in garages)	½	2
	Asbestos products (manufacturing)	½	1
38–5	Paper products (manufacturing)	½	1
	Paper (working in)	½	1

	Industries	Industrial insurance rate, per cent of pay roll	Medical-aid rate, cents per day
	CLASS 39		
39–1	Bakeries, candy and crackers (manufacturing)	¼	1
	Macaroni (making)	¼	1
39–2	Foodstuffs (not otherwise specified)	¾	2
	Fruits and vegetables (working in) (includes canning, preserving, pickling)	¾	2
	Oils (working in edible oils)	¾	2
39–3	Sugar refineries (operation)	4	5
	CLASS 40		
40–1	Condensed milk (operation)	1¼	1½
40–2	Creameries (operation)	⅓	1½
	Ice cream (manufacturing)	⅓	1½
	Cheese making	⅓	1½
	CLASS 41		
41–1	Electrotyping	¼	1
	Engraving, photo	¼	1
	Photoengraving	¼	1
	Lithographing	¼	1
41–2	Printing	¼	½
	Linotype (includes all employees in room with machinery and shafting)	¼	½
41–3	Jewelry manufacturing	¼	½
	Jewelry engraving	¼	½
	CLASS 42		
42–1	Wharf operations	½	2
	Longshoring	2	4
	CLASS 43		
43–1	Packing houses (operation)	1¼	3
	Sausage making	1¼	3
	Slaughtering	1¼	3
	Soap and tallow making	1¼	3
	Lard making	1¼	3
	Tallow (making)	1¼	3
	Fertilizer manufacturing	1¼	3
	Stock yards (operation)	1¼	3
	Tanneries (operation)	1¼	3
	Meat products, canneries	1¼	3
43–2	Garbage works (operation)	3	8
	Incinerators (operation)	3	8
43–3	Meat markets (retail with power machinery)	½	1½
	CLASS 44		
44–1	Cold storage (operation)	1	2
	Artificial ice, manufacturing and delivery	1	2
44–2	Natural ice, producing and handling	10	8
	CLASS 45		
45–1	Theater stage employees	1/10	½
	Moving-picture operators	1/10	½
	CLASS 46		
46–1	Powder works (manufacturing)	2¾	3
46–2	Fireworks (manufacturing)	1	1
	CLASS 48		
	Elective adoption for nonhazardous industries	1	2
	Elective adoption (subclasses)		
48–1	Office employees, clerks, janitors, caretakers, and not otherwise specified	½	1
48–2	Automobile and truck drivers (where general occupation is not extrahazardous)	¾	2
48–3	Agricultural workers	2	3
48–5	Inside occupations (not otherwise specified)	¾	1½
48–6	Outside occupations (not otherwise specified)	¾	1½
	CLASS 49		
49–1	Guards, penitentiary and other State institutions	2	2
	Highway patrol	2	3
	Marshals and other salaried peace officers	2	2
	Peace officers on salary	2	2
	Policemen	2	2

	Industries	Industrial insurance rate, per cent of pay roll	Medical-aid rate, cents per day
	CLASS 49—continued		
	Sheriffs and their salaried deputies	2	2
	Wardens, fish and game, on salary	2	2
49-2	Foresters (rangers having police power)	1	2
	CLASS 50		
50-1	Logging (includes all operations in connection with and incidental to logging)	3¼	6
	Logging railroad operations	3¼	6
	Logging railroad grading	3¼	6
	Logging railroad construction (includes bridge and trestle work on logging railroads)	3½	6
	Cutting wood and bolts	3½	6
	Booming and driving logs (not otherwise specified)	3½	6
	Tie cutting	3½	6
50-2	Booming logs (this subclass exclusively for independent boom companies. All booming and driving done by logging companies must be classified as 50-1)	1½	2

The application of this act as between employers and workmen shall date from and include the 1st day of July, 1927: *Provided*, That this section shall not be effective until the 1st day of October, 1927. At least once each year an adjustment of accounts shall be made upon the basis of the actual pay roll, whereupon class rates shall be adjusted accordingly. Every employer who shall enter into business at any intermediate day, or who shall resume operations in any work or plant after the final adjustment of his pay roll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of labor and industries of such fact, accompanying such notification with an estimate of his pay roll for the first calendar month of his proposed operations, and shall make payment of the premium on such estimated pay roll. Every such employer shall be liable for a premium of at least such estimated pay roll. Every such employer shall be liable for a premium of at least $1 irrespective of the amount of his pay roll.

Every employer within the provisions of this act shall on or before the 15th day of each month hereafter furnish the department with a true and accurate pay roll showing the aggregate number of workdays; that is, man-days, during which workmen were employed by him during the preceding calendar month, the total amount paid to such workmen during such preceding calendar month, and a segregation of employment in the different classes provided in this act, and shall pay his premiums thereon to the accident fund and medical aid fund. The sufficiency of such statement shall be subject to the approval of the director of labor and industries.

Every employer shall keep at his place of business a record of his employment from which the above information may be obtained and such record shall at all times be open to the inspection of the director of labor and industries, supervisor of industrial insurance, or the traveling auditors, agents, or assistants of the department, as provided in section 7690 of Remington's Compiled Statutes of Washington.

In all cases where partners or other persons are excluded on the pay roll such statement shall state both the names and occupations of the parties excluded and no such person shall be entitled to compensation unless notice in writing that such excluded person has been included is received by the department prior to the date of injury to such person. Such employer shall at the time of reporting his pay roll also state the names and addresses of any contractor or subcontractor operating for or under him.

Every person, firm, or corporation who shall fail to keep such record or fail to make such report in the manner and at the time herein provided shall be subject to a penalty of $100 for each such offense, to be collected by civil action in the name of the State and paid into the accident fund.

Every employer who shall fail to furnish an estimated pay roll and make payments as above provided shall be liable to a penalty of not to exceed $500 and shall also be liable if an accident has been sustained by an employee prior to

the time such estimate is received by the department, to a penalty in a sum equal to 50 per cent of the cost to the accident fund and medical-aid fund of such accident, to be collected in a civil action in the name of the State, and paid into the accident fund. In case the consequent payment to the injured workman, his dependents or beneficiaries, be payable in monthly payments, the cost to the accident fund shall be estimated in accordance with the rules stated in section 7681 of Remington's Compiled Statutes of Washington. The director of labor and industries may waive the whole or any part of any penalty charged under this act. In respect to any injury happening to any of his workmen during the period such employer shall be in default in the payment of any premium, if such default be after demand for payment, or if such employer shall be in default for failure to furnish the department with an estimated pay roll or with monthly reports of his pay roll as required under section 7676 of Remington's Compiled Statutes, the defaulting employer shall not be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or his beneficiaries and dependents), at his or their option, as he would have been on March 14, 1911, and in any action brought against such employer, it shall be no defense for such employer to show that such injury was caused in whole or in part by the negligence of a fellow servant of the injured workman, that the negligence of the injured workman, other than his willful act committed for the purpose of sustaining the injury, contributed to the accident, or that the injured workman had knowledge of the danger or assumed the risk which resulted in his injury. If such injured workman or his beneficiaries, or dependents, shall elect to take under this act, such action against the employer shall revert to the State for the benefit of the accident fund.

Any employer who shall misrepresent to the department the amount of his pay roll or the number of days upon which the premium under this act is based shall be liable to the State in 10 times the amount of the difference in premium paid and the amount the employer should have paid, and shall also be guilty of a misdemeanor if such misrepresentation shall be made knowingly. Civil penalties to the State under this act shall be collected by civil action in the name of the State and paid into the accident fund.

Any person, firm, or corporation who not having previously reported to the department shall establish any new plant, or works, or enter upon the performance of any new building contract or construction contract and who shall fail to send written notice thereof to the department within five days after such establishing or entering shall be guilty of a misdemeanor.

For the purpose of such payments into the accident fund accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. The fund thereby created shall be termed the "accident fund" which shall be devoted to the purpose specified for it in this act.

The medical aid fund created in section 7713 of Remington's Compiled Statutes of Washington shall not be kept by classes and all payments shall be made from the one fund, but accounts shall be kept with each class and subclass of industry in accordanace with the classification herein provided for the purpose of computing the medical aid cost experience of such classes and subclasses and determining the correctness of the medical-aid rates charged such classes and subclasses.

In that the intent is that the accident fund created under this section shall ultimately become neither more nor less than self-supporting, exclusive of the expense of administration, the rates named in this section are subject to future adjustment by the director of labor and industries, in accordance with any relative increase or decrease in hazard shown by experience, and if in the adjustment by the director of labor and industries the moneys paid into the fund of any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein, the department may divide, rearrange, or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper.

It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid into the accident fund from the wages or earnings of his workmen or any of them, and the making or attempting to make any such deduction shall be a gross misdemeanor. The director of labor and industries shall make corrections of classifications as between classes of industries if and as experience shall show error or inaccuracy

therein. From the original classification or premium rating or any change made therein, any employer claiming to be aggrieved may upon application have a hearing before the joint board created by the administrative code upon notice to the interested parties, and in the manner provided in section 8 hereof, a review by the courts.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the pay roll of each occupation, or in the discretion of the director of labor and industries, a single rate of premium may be charged for the entire establishment based upon the rate of premium of the occupation reporting the largest pay roll. In computing the pay roll the entire compensation received by every workman employed in extrahazardous employment shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit sharing, premium, or otherwise, and whether payable in money, board, or otherwise.

The director of labor and industries shall have power to authorize any employee of the department who is an attorney admitted to practice law in the State of Washington to appear for the department in any action instituted for the purpose of collecting industrial-insurance premiums.

[Section 7679, C. S. 1910 (ch. 131, acts of 1919, as amended 1923, ch. 136) was further amended by chapter 310, acts of 1927, to read as follows:]

SEC. 7679. *Schedule.*—Each workman who shall be injured in the course of his employment, or his family or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with the following schedule, and, except as in this act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

Compensation schedule

(*a*) Where death results from the injury the expenses of burial not to exceed $100 in any case where the deceased was an unmarried man, or $150 in any case where the deceased left a widow or an orphan child or children, shall be paid to the undertaker conducting the funeral: *Provided*, That no sum shall be paid an undertaker for the burial expenses where the deceased left a widow or an orphan child or children unless the undertaker shall make and file with the department an affidavit that no part of the burial expenses have been either directly or indirectly paid by or charged to the widow or orphan child or children.

(1) If the workmen leaves a widow or invalid widower, a monthly payment of $35 shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage shall occur, and the surviving spouse shall also receive per month for each child of the deceased under the age of 16 years at the time any monthly payment is due the following payments: For the youngest or only child, $12.50; for the next or second youngest child, $7.50; and for each additional child, $5: *Provided*, That in addition to the monthly payments above provided for, a surviving widow of any such deceased workman shall be forthwith paid the sum of $250.

Upon remarriage of a widow she shall receive once and for all, a lump sum of $240, but the monthly payments for the child or children shall continue as before.

(2) If the workman leaves no wife or husband, but an orphan child or children under the age of 16 years, a monthly payment of $25 shall be made to each such child until such child shall reach the age of 16 years, but the total monthly payment shall not exceed $75 and any deficit shall be deducted proportionately among the beneficiaries.

(3) If the workman leaves no widow, widower, or child under the age of 16 years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to 50 per cent of the average monthly support actually received by such dependent from the workman during the 12 months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed $20 per month. If any dependent is under the age of 16 years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of 16 years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

If the workman is under the age of 21 years and unmarried at the time of his death, the parents or parent of the workman shall receive $20 per month for each month after his death until the time at which he would have arrived at the age of 21 years.

(4) In the event a surviving spouse receiving monthly payments shall die, leaving a child or children under the age of 16 years, such child or children shall receive each the sum of $25 per month until arriving at the age of 16 years, but the total monthly payment shall not exceed $75 and any deficit shall be deducted proportionately among the beneficiaries.

(*b*) Permanent total disability means loss of both legs, or arms, of one leg and one arm, or total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

When permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury, the sum of $35.

(2) If the workman have a wife or invalid husband, but no child under the age of 16 years, the sum of $40.

If the husband is not an invalid the monthly payment of $40 shall be reduced to $20 as long as they are living together as husband and wife.

(3) If the workman have a wife or husband and a child or children under the age of 16 years, or, being a widow or widower, having any such child or children, the monthly payment provided in the preceding paragraph shall be increased by $12.50 for the youngest or only child, $7.50 for the next or second youngest child, and $5 for each additional child under the age of 16 years.

(4) In case of total permanent disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of a constant attendant, the monthly payment to such workman shall be increased $25 per month as long as such requirement shall continue, but such increase shall not obtain or be operative while the workman is receiving care under or pursuant to any of the provisions of sections 7712 to 7725, inclusive, of Remington's Compiled Statutes.

(*c*) If the injured workman die during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child under the age of 16 years, the surviving widow or invalid widower shall receive $35 per month until death or remarriage, to be increased per month for each child of the deceased under the age of 16 years at the time any monthly payment is due, as follows: For the youngest or only child, $12.50; for the next or second youngest child, $7.50; and for each additional child, $5; but if such child is or shall be without father or mother such child shall receive $25 per month until arriving at the age of 16 years. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

An invalid child, while being supported and cared for in a State institution, shall not receive compensation under this act. If an injured workman, or the surviving spouse of an injured workman, shall not have the custody of a minor child for, or on account of, whom payments are required to be made under this section, such payment or payments shall be made to the person having the lawful custody of such minor child.

(*d*) (1) When the total disability is only temporary, the schedule of payments contained in paragraphs (1), (2), and (3) of the foregoing subdivision (*b*) shall apply so long as the total disability shall continue; (2) but if the injured workman have a wife or husband and have no child, or have a wife or husband, or being a widow or widower, with one or more children under the age of 16 years, the compensation for the case during the first six months or such lesser period of time as the total temporary disability shall continue shall be per month as follows, to wit: Injured workman whose husband is not an invalid, $22.50; injured workman having one child, whose husband is not an invalid, $30; injured workman having two children, whose husband is not an invalid, $37.50; injured workman having three children, whose husband is not an invalid, $45; injured workman having four or more children, whose husband is not an invalid, $52.50; injured workman with wife or invalid husband and no child, $42.50; injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, $52.50; injured workman with a wife or invalid husband and two children, or being a widow or widower and having two children, $60, and $5 for each additional child.

Should a workman suffer a temporary total disability and should his employer, at the time of his injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in paragraph (*d*), subdivision (1), from the accident fund during the period his employer shall so pay such wages.

(3) If such temporary total disability shall endure longer than said six months' period, the schedule of compensation contained in paragraphs (1), (2), and (3) of the foregoing subdivision (*b*) shall at the end of said six months' period again obtain.

(4) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed 5 per cent.

No payment shall be made to or for a natural child of a deceased workman and at the same time as the stepchild of a deceased workman.

(*e*) There is hereby created in the office of the State treasurer a fund to be known and designated as the reserve fund out of which shall be made the payments specified in this section for all cases of death or permanent total disability including future payments to be made for the cases of that character which have heretofore arisen. Into the reserve fund there shall be forthwith placed all unexpended funds, in cash or invested, heretofore set aside for cases requiring a reserve. For every case resulting in death or permanent total disability hereafter arising it shall be the duty of the department to make transfer on their books from the accident fund of the proper class to the reserve fund a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this section provided to be made for the case. Such annuities shall be based upon tables to be prepared for that purpose by the State insurance commissioner and by him furnished to the State treasurer, calculated upon standard mortality tables with an interest assumption of 4 per cent per annum.

The department shall notify the State treasurer from time to time of such transfers as a whole and the State treasurer shall invest the reserve in either State capitol building bonds issued to take up capitol building warrants now outstanding, or in the class of securities provided by law for the investment of the permanant school fund, and the interest or other earnings of the reserve fund shall become a part of the reserve fund itself. The department shall, on October 1 of each year, apportion the interest or other earnings of the reserve fund as certified to it by the State treasurer, to the various class reserve funds according to the average class balance for the preceding year. As soon as possible after October 1 of each year, beginning in the year 1927, the State insurance commissioner shall expect the reserve fund of each class to ascertain its standing as of October 1, of that year, and the relation of its outstanding annuities at their then value to the cash on hand or at interest belonging to that fund. He shall promptly report the result of his examination to the department and to the State treasurer in writing not later than December 31, following. If the report shows that there was on said October 1, in the reserve fund of any class in cash or at interest a greater sum than the then annuity value of the outstanding pension obligations of that class, the surplus shall be forthwith turned over to the accident fund of that class, but if the report shows the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the accident fund of that class. The State treasurer shall keep accurate accounts of the reserve fund and the investment and earnings thereof, to the end that the total reserve funds shall at all times, as near as may be, be properly and fully invested, and to meet current demands for pension or lump-sum payments may, if necessary, make temporary loans to the reserve fund out of the accident fund for that class, repaying same from the earnings of that reserve fund or from collections of its investments, or, if necessary, sales of the same.

(*f*) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments were severed where repair is not complete, or any

other injury known in surgery to be permanent partial disability. For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

Specific major permanent partial disability injuries

Loss of one leg amputated so near the hip that an artificial limb can not be worn	$3,000
Loss of one leg at or above the knee so that an artificial limb can be worn	2,280
Loss of one leg below the knee	1,560
Loss of the major arm at or above the elbow	2,280
Loss of one arm so near the shoulder that an artificial arm can not be worn	3,000
Loss of the major hand at wrist	1,920
Loss of one eye by enucleation	1,440
Loss of sight of one eye	1,080
Complete loss of hearing in both ears	2,280
Complete loss of hearing in one ear	600

Specific minor permanent partial disability injuries

Loss of one thigh at upper third	$2,280
Loss of one thigh at lower third	2,280
Loss of one leg at lower third	1,560
Loss of foot at the ankle	1,560
Loss of great toe with metatarsal bone thereof	480
Loss of great toe at the proximal joint	300
Loss of great toe at the second joint	105
Loss of one other toe other than the great toe with metatarsal bone thereof	165
Loss of second toe at proximal joint	75
Loss of third toe at proximal joint	75
Loss of fourth toe at proximal joint	75
Loss of fifth toe at proximal joint	30
Loss of metatarsal bone on toe other than great toe	90
Loss of forearm at upper third	2,100
Loss of forearm at lower third	2,100
Loss of thumb with metacarpal bone thereof	720
Loss of thumb at proximal joint	480
Loss of thumb at second joint	180
Loss of index or first finger at proximal joint	390
Loss of index or first finger at second joint	330
Loss of index or first finger at distal joint	150
Loss of middle or second finger at proximal joint	300
Loss of middle or second finger at second joint	250
Loss of middle or second finger at distal joint	90
Loss of ring or third finger at proximal joint	270
Loss of ring or third finger at second joint	210
Loss of ring or third finger at distal joint	90
Loss of little or fourth finger at proximal joint	105
Loss of little or fourth finger at second joint	75
Loss of little or fourth finger at distal joint	30
Loss of metacarpal bone in finger except thumb	75
Broken arch in foot	600
Ankylosed ankle	480
Ankylosed knee	600

Provided, however, If any of the above-mentioned specific minor permanent partial disability injuries shall not result in or involve amputation, not more than three-fourths of the foregoing respective sums shall be paid: *Provided, further*, That payment for any injury to minor hand or arm or any part thereof shall not exceed 95 per cent of the amounts hereinbefore enumerated.

Compensation for any other specific major permanent partial disability or specific minor permanent partial disability shall be in the proportion which the extent of such other disability shall bear to that major specific or minor specific permanent partial disability above specified, which most closely re-

sembles and approximates in degree of disability such other disability, but not in any case to exceed the sum of $2,400.

If the injured workman be under the age of 21 years and unmarried, the parents or parent shall also receive a lump-sum payment equal to 10 per cent of the amount awarded the minor workman.

(*g*) Should a further accident occur to a workman who has been previously the recipient of a lump-sum payment under this act, his future compensation shall be adjudged according to the other provisions of this section and with regard to the combined effect of his injuries and his past receipt of money under this act.

Should a workman receive an injury to a member or part of his body already from whatever cause permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such permanent partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

Should such further accident result in the permanent total disability of such injured workman, he shall receive the pension to which he would be entitled notwithstanding the payment of a lump sum for his prior injury.

(*h*) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the director of labor and industries, through and by means of the division of industrial insurance, may, upon the application of the beneficiary, made within three years after the establishment or termination of such compensation, or upon his own motion, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: *Provided*, Any such applicant whose compensation has heretofore been established or terminated shall have three years from the taking effect of this act within which to apply for such readjustment.

No act done or ordered to be done by the director of labor and industries, or the department of industrial insurance, prior to the signing and filing in the matter of a written order for such readjustment, shall be ground for such readjustment: *Provided, however*, That if within the time limited for taking an appeal from an order closing a claim, the department shall order the submission of further evidence or the investigation of any further fact, the time for appeal from such order closing the claim shall be extended until the applicant shall have been advised in writing of the final order of the department in the matter.

(*i*) A husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary under this act. A wife who has lived separate and apart from her husband for the period of two years and who has not, during that time, received, or attempted by process of law, to collect funds for her support or maintenance, shall be deemed living in a state of abandonment.

(*j*) If a beneficiary shall reside or remove out of the State the department may, in its discretion, convert any monthly payments provided for such case into a lump-sum payment (not in any case to exceed the value of the annuity then remaining, to be fixed and certified by the State insurance commissioner, but in no case to exceed the sum of $4,000.

(*k*) No workman injured after June 30, 1923, shall receive or be entitled to receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same.

[Section 7680, C. S. 1910 (ch. 131, Acts of 1919) was further amended by chapter 310, Acts of 1927, to read as follows:]

SEC. 7680.—*Intentional injury—Minor.*—If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, or while the workman is engaged in the attempt to commit, or the commission of, a crime, neither the workman nor the widow, widower, child or dependent of the workman shall receive any payment whatsoever out of the accident fund. If injury or death result to a workman from the deliberate intention of his employer to produce such injury, or death, the workman, the widow, widower, child or dependent of the workman shall have the privilege to take under this act, and also have cause of action against the employer, as if this act had not been enacted, for any excess of damages over the amount received or receivable under this act.

A minor working at an age legally permitted under the laws of this State shall be deemed sui juris for the purpose of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman except as expressly provided in this act, but in the event of a lump-sum payment becoming due under this act to such minor workman, the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors: *Provided*, That in the event it is necessary to procure the appointment of a guardian to receive the money to which any minor workman is entitled under the provisions of this act, the director of labor and industries may allow from the accident fund, toward the expenses of such guardianship, not to exceed the sum of $25 in any one case: *Provided further*, That in case any such minor shall be awarded a lump-sum payment of the sum of $250, or less, the director of labor and industries shall have power, in his discretion, to make payment direct to such minor without the necessity of the appointment of a guardian.

[Section 7681, C. S. 1910 (sec. 22, page 97, Acts of 1917) was further amended by chapter 310, Acts of 1927, by authorizing the settlement of compensation due an alien residing in a foreign country by a lump-sum payment not to exceed 50 per cent of the value of the annuity remaining.

[Section 7684, C. S. 1910 (ch. 182, sec. 6, Acts of 1921, as amended 1923, ch. 136) was further amended by chapter 310, Acts of 1927, to read as follows:]

SEC. 7684. *Assignments—Aliens.*—No money paid or payable under this act out of the accident fund shall, prior to the issuance and delivery of the warrant therefor, be capable of being assigned, charged, nor ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: *Provided*, That if any workman shall suffer a permanent partial injury, and shall die from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman shall suffer any other injury and shall die from some other cause than the accident which produced such injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to his widow, if he leave a widow, or to his child or children if he leave a child or children and shall not leave a widow: *Provided*, That if any workman shall suffer any injury and shall die therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to his widow, if he leave a widow, or to his child or children if he leave a child or children, and shall not leave a widow: *Provided further*, That if the injured workman shall have resided in the United States as long as three years prior to the date of such injury such payment shall not be made to any widow or child who was at the time of such injury a nonresident of the United States.

Except as otherwise provided by treaty, whenever under the provisions of this act, compensation is payable to a beneficiary or dependent who is an alien not residing in the United States, the department shall pay 50 per cent of the compensation herein otherwise provided to such beneficiary or dependent. But if a nonresident alien, beneficiary or dependent, is a citizen of a government having a compensation law which excludes citizens of the United States either resident or nonresident, from partaking of the benefit of such law in as favorable a degree as herein extended to nonresident aliens he shall receive no compensation. No payment shall be made to any beneficiary or dependent residing in any country with which the United States does not maintain diplomatic relations, when such payment is due.

Proof of dependency by any beneficiary or dependent residing without the United States shall be made before the nearest United States consul or consular agent, under the seal of such consul or consular agent, and the department may cause any warrant or warrants to which such beneficiary or dependent is entitled to be transmitted to the beneficiary or dependent through the nearest United States consul or consular agent.

[Section 7686, C. S. 1910 (ch. 182, Acts of 1921) was amended by chapter 310, Acts of 1927, by specifying in subsection (*d*) that an application is also barred unless filed within one year after the "rights of dependents or beneficiaries" accrue; in subsection (*e*) a physician's report must be filed with

the director of labor and industries, instead of the industrial insurance department as heretofore required.

[Section 7697, C. S. 1910 (ch. 74, sec. 20, Acts of 1911), was amended by chapter 310, Acts of 1927, by providing that appeal must be brought within 60 days instead of 20 days as heretofore. Also, misconduct in proceedings before the joint board may be punishable as contempt of court.

[Section 7724, C. S. 1910 (ch. 182, sec. 12, Acts of 1921), was amended by ch. 310, Acts of 1927, by requiring the employer to pay into the surplus fund a sum not exceeding 1 per cent of the amount he would have been required to pay into the medical aid fund but for such contract.

[Section 7784, C. S. 1910 (ch. 182, sec. 15, Acts of 1921, as amended 1923, ch. 136, sec. 18), was amended by chapter 310, Acts of 1927, to read as follows:]

SEC. 7784. *Accident fund.*—Each employer who shall be certified by the supervisor of safety for any calendar year to have failed to comply during the calendar year preceding the current year with any safety standard or order applicable to his establishment or case and who shall have cost for that year and for the preceding year the accident fund of any class or class subdivision to which he is a contributor for such calendar year preceding the current year, more than 125 per cent of his total premiums to the accident fund for said aggregate 2-year period in such class or class subdivision, shall pay into the accident fund upon demand of the supervisor of industrial insurance in addition to the amount which he would otherwise have paid for such calendar year into the accident fund on account of the plant, works or system in respect to which such excess cost shall have occurred, a sum equal to 10 per cent of his premium to the accident fund for that year in such class or class subdivision. All establishments or plants in which extrahazardous industry is engaged, which are operated separately from, and independently of, each other shall, for all purposes of this act, be treated as separate and distinct from each other, even though of the same class or class subdivision and of common ownership, control, or management.

WISCONSIN

[The compensation law of this State was amended by chapters 42, 45, 125, 241, 310, 482, and 517, Acts of 1927. The changes are noted below.

[Section 102.03, subsection 2 G. S. 1923, was amended by chapter 482, Acts of 1927, to read as follows:]

(2) Where, at the time of the accident, the employee is performing service growing out of and incidental to his employment.

Every employee going to and from his employment in the ordinary and usual way, while on the premises of his employer, shall be deemed to be performing service growing out of and incidental to his employment:

(*a*) When any fireman is responding to a call for assistance outside the limits of the city or village by which the fireman is employed, unless such calls are made in violation of an ordinance, resolution or order of such city or village.

[Section 102.09, subsection 4 (*b*), G. S. 1923, was amended by chapter 517, Acts of 1927, to read as follows:]

(4) (*b*) Where the accident proximately causes permanent partial disability, the unaccrued compensation shall first be applied toward funeral expenses, not to exceed $200, any remaining sum to be paid to dependents as provided in subsections (4) and (4a) of this section, and there shall be no liability for any other payments. The question of dependency shall be determined in accordance with the facts as the facts may be at the time of the accident to the employee. All computations under this paragraph shall take into consideration the present value of future payments.

[Section 102.09, subsection 4m (f), G. S. 1923, was amended by chapter 517, Acts of 1927, to read as follows:]

(*f*) In each case of injury resulting in death, leaving no person wholly dependent for support, the employer or insurer shall pay into the State treasury such an amount, when added to the sums paid or to be paid on account of partial dependency, as shall equal four times the deceased employee's average annual earnings, such payment to the State treasury in no event to exceed $1,600. The payment into the State treasury so provided shall be made in all such cases regardless of whether the dependents or personal representatives of the deceased employee commence action against a third party as provided in subsection (2) of section 102.29.

[Section 102.09, subsection 5 (a), G. S. 1923, was amended by chapter 517, Acts of 1927, to read as follows:]

(5) (*a*) The specific injuries described in the following schedule are declared to be major permanent partial injuries. The percentage assigned in such schedule shall represent the relation of the permanent disability in wage loss caused by such an injury to an employee aged 30 years when compared with an injury causing permanent total disability to an employee of the same yearly age group, namely:

Major permanent partial injury schedule

1. The loss of an arm at the shoulder, 50 per cent;
2. The loss of an arm at the elbow, 42½ per cent;
3. The loss of a hand, 33⅓ per cent;
4. The loss of a palm where the thumb remains, 22½ per cent;
5. The loss of a thumb at the proximal joint, 10 per cent;
6. The loss of a thumb and the metacarpal bone thereof, 12½ per cent;
7. The loss of all the fingers of one hand where the thumb and palm remain, 14 per cent;
8. The loss of a leg at the hip joint, 50 per cent;
9. The loss of a leg at the knee, 42½ per cent;
10. The loss of a foot at the ankle, 25 per cent;
11. The loss of the great toe with the metatarsal bone thereof, 8⅓ per cent;

12. The loss of an eye by enucleation or evisceration, 27½ per cent;
13. Total impairment of one eye for industrial use, 25 per cent;
14. Total deafness of both ears, 33⅓ per cent;
15. Total deafness of one ear, 5 per cent;
16. In case an accident causes more than one permanent injury specified in this paragraph, the disability allowance for the lesser injury shall be increased by 20 per cent, except in the case of injuries to both eyes when the disability allowance for the lesser injury shall be trebled;

[Section 102.09, subsection 5 (*e*), item 27, G. S. 1923, was repealed by chapter 517, Acts of 1927.

[Section 102.09, subsection 6, paragraph (*a*), was amended, paragraphs (*b*) and (*c*) were repealed, and paragraphs (*d*), (*e*), and (*f*) were amended by chapter 517, Acts of 1927, subsection 6, now reading as follows:]

(6) In the following cases special indemnity shall be paid an employee only from the funds provided for in paragraphs (*d*), (*e*), and (*f*) of this subsection in addition to the allowance provided in subsection (5) of this section, after cessation of the payments therein prescribed;

(*a*) If an employee has previously incurred permanent partial disability through the loss or total impairment of a hand, arm, foot, leg, ear, or eye, and by a subsequent accident incurs permanent disability through the loss or impairment of the other hand, or the other arm, or the other foot, or the other leg, or the other ear, or the other eye, or through the loss or impairment of another member or organ, an amount sufficient to complete * * * the payment of such indemnity as would have accrued if the injury to both members or organs had been caused by a single accident.

[(*b*) and (*c*) repealed by chapter 517, Acts of 1927.]

(*d*) In each case of the loss or of the total impairment of a hand, arm, foot, leg, ear, or eye, the employer shall be required to pay the sum of $75 into the State treasury. The payment into the State treasury shall be made in all such cases regardless of whether the employee, his dependents or personal representatives, commence action against a third party as provided in subsection (2) of section 102.29.

(*e*) The moneys paid into the State treasury pursuant to the foregoing paragraph, with all accrued interest, is hereby appropriated to the industrial commission for the discharge of all liability for special additional indemnity accruing under this subsection.

(*f*) For the proper administration of the funds available under paragraphs (*d*) and (*e*) the commission shall, by order, set aside in the State treasury suitable reserves to carry to maturity the liability for special additional indemnity in each case, and for any contingent death benefit.

[Section 102.09, subsection 7, G. S. 1923, was amended by section 3, chapter 517, Acts of 1927, by adding a new provision which reads as follows:]

(7) (*d*) If the amount recoverable under the above paragraphs of this subsection for temporary disability shall be less than the actual loss of wage sustained by the minor employee, then liability shall exist for such loss of wage.

[The introductory paragraphs of subsection 1 of section 102.11, G. S. 1923, were amended by chapter 42, Acts of 1927, to read as follows:]

SEC. 102.11. *Computation of earnings; dependents.*—1. The average weekly earnings referred to in section 102.09 shall be one-fiftieth of the average annual earnings of the employee.

The average annual earnings for employees shall be taken at not less than $525 nor more than $1,500 per annum. Between said limits such average annual earnings shall be determined as follows:

[Section 102.16, G. S. 1923 (as amended 1925, ch. 171), was amended by chapter 517, Acts of 1927, by providing that the attorney general represent the State in payments into and out of the State treasury.

[Section 102.18, G. S. 1923, was amended by chapter 517, Acts of 1927, by providing that the commission may now set aside its own awards upon grounds of newly discovered evidence.

[Section 102.31, G. S. 1923, was amended by chapter 125, Acts of 1927, by creating a new subsection (5), providing that two or more insurance companies licensed to carry on workmen's compensation insurance may form a corporation for the purpose of insuring special risks.

[Sections 102.36 to 102.41, G. S. 1923, were repealed by chapter 310, Acts of 1927, and in place thereof new sections were created numbered the same, which read as follows:]

SEC. 102.36. *Employer to furnish information.*—When asked to do so every employer shall furnish information to the industrial commission upon the number of his employees and the nature of their work and upon the contracts he has made to insure his liability for accident to employees.

SEC. 102.37. *Record of accidents.*—Every employer of three or more persons and every employer who is subject to the workmen's compensation act shall keep a record of all accidents causing death or disability of any employee while performing services growing out of and incidental to the employment, which record shall give the name, address, age, and wages of the deceased or injured employee, the time and causes of the accident, the nature and extent of the injury and such other information as the industrial commission may require by general order. Reports based upon this record shall be furnished to the industrial commission at such times and in such manner as it may require by general order, upon forms to be procured from the commission.

SEC. 102.38. *Record of payments.*—Every insurance company which transacts the business of compensation insurance and every employer who is subject to the workmen's compensation act but who has not insured his liability shall keep a record of all payments made under the provisions of chapter 102 of the Statutes and of the time and manner of making such payments and shall furnish such reports based upon these records to the industrial commission as it may require by general order, upon forms to be procured from the commission.

SEC. 102.39. *Application of general orders.*—The provisions of sections 101.01 to 101.28, of the Statutes, relating to the adoption, publication, modification, and court review of general orders of the industrial commission shall apply to all general orders adopted pursuant to chapter 102 of the Statutes.

SEC. 102.40. *Reports as evidence.*—Reports furnished to the industrial commission pursuant to the requirements of chapter 102 of the Statutes shall not be admissible as evidence in any action arising out of the death or accident reported.

SEC. 102.41. *Penalty.*—Every employer and every insurance company that fails to keep the records or to make the reports required by chapter 102 of the Statutes or that knowingly falsifies such records or makes false reports shall forfeit and pay into the State treasury a sum not less than $10 nor more than $100 for each offense.

SUPPLEMENTAL LAW

[Section 205.15, G. S. 1923, was amended by chapter 45, Acts of 1927, relating to representation in the compensation and inspection bureau.

[A new section, 56.21, was added and subsection (8) of section 20.57, G. S. 1923 was amended by chapter 241, Acts of 1927, providing that certain inmates of State institutions if injured "may" be allowed such compensation by the industrial commission as they shall be "entitled to," computed on the same basis as though such injury had been covered by the workmen's compensation law, not to exceed $1,000.]

WYOMING

[The compensation law of this State was amended in 1927, by chapter 111. The changes are noted below.

[Section 4326, C. S. 1920 (as amended 1923, ch. 60; 1925, ch. 124) was amended by chapter 111, Acts of 1927, by reducing the period from six to three months within which time claim for compensation must be made where the employee's report of the accident was not filed within the statutory time.

[Section 4331, C. S. 1920 (as amended 1923, ch. 60; 1925, ch. 124) was amended by chapter 111, Acts of 1927. The employer is now required to pay into the industrial accident fund, in addition to monthly premium, a monthly service and policing charge ranging from $2, where the monthly premium is less than $10, to $200, where the monthly premium is over $5,000.

[Section 4332, C. S. 1920 (as amended 1923, ch. 60) was amended by chapter 111, Acts of 1927, by striking out the word "here" in the twelfth line and substituting the word "herein."

[Section 4333, C. S. 1920 (as amended 1923, ch. 60) was amended by chapter 111, Acts of 1927, by providing that the salaries and traveling expenses of inspectors are to be paid out of the industrial accident fund.]

[Section 4334, C. S. 1920 (as amended, 1921, ch. 138; 1923, ch. 60; 1925, ch. 124) was further amended by chapter 111, Acts of 1927, to read as follows:]

SECTION 4334. *Compensation—Schedule of benefits.*—Each employee, who shall be injured in any of the extrahazardous employments, as herein defined, or the dependent family of any such injured workman, who may die as the result of such injuries except in case of injuries due solely to the culpable negligence of such injured employee, shall receive out of the industrial accident fund, compensation in accordance with the following schedule, and such payment shall be in lieu of and taking the place of any and all rights of action against any employer contributing, as required by this act to the industrial accident fund in favor of any person or persons by reason of any such injuries or death.

(*a*) "Permanent partial disability" means the loss of either one foot, one leg, one hand, one arm, one eye, or the sight of one eye, one or more fingers, one or more toes, and dislocation where the ligaments are severed, or any other injury known to surgery to be permanent partial disability. For any permanent partial disability hereinafter specifically described, resulting from an injury, the workman shall receive a lump sum as follows:

For the loss of a thumb	$225
For the loss of a first finger	200
For the loss of a second finger	150
For the loss of a third finger	150
For the loss of a fourth finger	150
For the loss of a palm (metacarpal bone)	600
For the loss of a hand	1,000
For the loss of an arm at or below elbow	1,200
For the loss of an arm above elbow	1,500

For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes the fingers more than useless the same amounts apply to such finger or fingers (not thumb) as given above. The loss of a third or distal phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of the more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of a third or distal phalange of any finger shall be considered to be equal to the loss of two-thirds of such finger.

The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the whole finger: *Provided, however,*

That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe	$200
For the loss of one of the toes other than great toe	150
The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.	
The loss of less than two-thirds of any toe shall be considered equal to the loss of one-half of the toe.	
For the loss of a foot	1,000
For the loss of a leg below the knee	1,200
For the loss of a leg above the knee	1,500
For the loss of an eye or the sight thereof	1,500

For any other injury known to surgery to be permanent partial disability, the workman shall receive a sum in the amount proportioned to the extent of such permanent partial disability based as near as may be upon the foregoing schedule, but in every such case the amount allowed for the injury shall be paid in monthly installments at the rate of $50 per month if the workman be unmarried at the time of the injury and at the rate of $60 per month if the workman has a wife with whom he is living at the time of the injury: *Provided, however*, That the court making such award shall retain jurisdiction of the same until said award shall have been fully paid, with power to modify or change the amount of the award to conform to any change in the condition of the injured workman, and shall have power at any time during said period, upon application and hearing with notice to the employer, and a showing of the necessity therefor, to order all or any part of the unpaid balance of the award to be paid to the injured workman as a lump sum.

(*b*) "Permanent total disability" means the loss of both legs or both arms, total loss of eyesight, paralysis, or other conditions permanently incapacitating the workman from performing any work at any gainful occupation. Where there has been a previous disability, as the loss of one eye, or the sight thereof, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury shall be determined by deducting therefrom the percentage of the previous disability, as it existed at the time of the subsequent injury. When permanent total disability results from the injury the workman shall receive sum of $4,000, but in every such case the amount allowed for the injury shall be paid in monthly installments at the rate of $50 per month if the workman be unmarried at the time of the injury, and at the rate of $60 per month if the workman has a wife with whom he is living at the time of the injury: *Provided, however*, That the court making such award shall retain jurisdiction of the same until said award shall have been fully paid, with power to modify or change the amount of the award to conform to any change in the condition of the injured workman, and shall have power at any time during said period, upon application and hearing, with notice to the employer, and a showing of the necessity therefor, to order all or any part of the unpaid balance of the award to be paid to the injured workmen as a lump sum: *Provided*, That if the workman shall die leaving an unpaid balance of the award then such unpaid balance shall be returned to the industrial accident fund and be credited to the employer's balance. If the workman suffering such permanent total disability has a boy or boys under 16 years of age, or girls under 18 years of age, the guardian of such child or children, appointed as hereinafter provided, shall receive for the use and benefit of said child or children a lump sum of $120 per year for each boy under 16 years until the time when each of said boys shall become 16 years of age, and a lump sum of $120 per year for each girl under 18 years of age until the time when each of said girls shall become 18 years of age: *Provided*, That the aggregate lump sum paid to said guardian shall in no case exceed $4,000, and any and all awards made on account of any such child or children, shall be disbursed under a proper guardianship to be created by the court or judge making such award.

(*c*) "Temporary total disability" means an injury which though it may result, or does result in a permanent total or partial disability, temporarily incapacitates the injured person from performing any work at any gainful occupation for the time, but from which injury such person may recover by medical or surgical treatment and be able to resume work. In such case, if the workman be unmarried at the time of the injury he shall receive the sum of $50 per month, so long as the total disability shall continue. If he have a wife with

whom he is living at the time of the injury, he shall receive $60 per month, and if he have boys under 16 years of age or girls under 18 years of age, or both, he shall receive for each $7.50 per month, but the total monthly payments shall not exceed $90 per month. No compensation except the expense of medical attention shall be allowed for the first 7 days of disability, unless the incapacity extends beyond the period of 21 days, in which case the compensation shall run from the time of the injury. As soon as recovery is so complete that the earning power of the workman at any kind of work is restored, the payments shall cease, but in no case shall the total payments made in such cases exceed in the aggregate the lump sum amount herein specified to be paid an injured workman for injuries causing permanent total disability. When the workman has nonresident alien children he shall receive only one-third of the sum above fixed for boys under 16 years of age and girls under 18 years of age.

(*d*) In all cases of temporary total disability, permanent partial disability and permanent total disability, the expense of medical attention and of care in hospital of the injured workman shall be paid from date of said injury, the expense of medical treatment not to exceed $150 in any case and the expense of care in hospital not to exceed $150 in any case, unless under general arrangement the workman is entitled to medical attention and care in hospital, or the employer furnishes adequate and proper medical attention and hospital facilities to his employees: *Provided, however,* That no bill or fee for medical attention or care in hospital shall be allowed or paid without notice to the employer and a hearing if requested by said employer. The State treasurer shall have the power to establish a schedule fixing the fees for which all medical, surgical, hospital or other legalized forms of treatment rendered to employees under this section shall be compensated. Each physician or surgeon attending a workman injured while engaged in extrahazardous occupation shall file with the clerk of the court of the county within which such injury occurred and with the State treasurer under rules to be prescribed by the State treasurer a full and complete report fully describing the nature of the injuries to such workman: *Provided,* That such report shall not be required unless the disability resulting from such injury lasts through the day or the injury requires medical services other than the ordinary first aid treatment. Any physician or surgeon failing to file any report as herein provided shall be punishable by a fine of not more than $50. Where death results from an injury the expense of burial shall be paid not to exceed $150 in any case, unless other arrangements exist between employer and employees under agreement.

(1) But if the workman leaves a widow or invalid widower, to whom she or he has been regularly married by a marriage duly solemnized by a legal ceremony, such surviving spouse shall receive the sum of $2,000, but in every such case the said award shall be paid in monthly installments at the rate of $45 per month; *Provided, however,* That the court making such award may upon application and hearing, with notice to the employer and a showing of the necessity therefor, order all or any part of the unpaid balance of the award to be paid to the surviving spouse as a lump sum. If the surviving spouse shall remarry before all of said award has been paid, then he or she shall only be entitled to receive the sum of $270 out of the unpaid balance of said award, and further payments shall cease, and any balance of the award shall return to the general fund and the same shall be credited to the employer's balance; if the surviving spouse shall die before all of said award has been paid then further payments shall cease and any balance of the award shall return to the general fund and the same shall be credited to the employer's balance: *Provided, further,* That if it be shown that the surviving spouse willfully deserted deceased without fault upon the part of the deceased, such surviving spouse shall not be regarded as a dependent in any degree, but in such case the right of boys under 16 years of age and girls under 18 years of age to compensation shall not be defeated. If said workman leaves a surviving boy or boys under 16 years of age or girl or girls under 18 years of age, the guardian of such child or children, appointed as hereinafter provided, shall receive for the use and benefit of said child or children, a lump sum of $120 per year for each surviving boy under 16 years of age until the time when each of said surviving boys shall become 16 years of age, and a lump sum of $120 per year for each surviving girl under 18 years of age until the time when each of said surviving girls shall become 18 years of age: *Provided,* That the aggregate lump sum paid to said guardian shall in no case exceed $3,600. In all cases where an order of compensation is made on account of boys under 16 years of age, or girls under 18 years of age, or both, or to persons incompetent, said fund

shall be disbursed under a proper guardianship to be created by the court or judge making such an order.

(2) If the injured workman die during the period of temporary total disability and after receiving compensation therefor, as herein provided, and his death be shown to have resulted from such injuries, the widow and the guardian of the workman's boys under 16 years of age and girls under 18 years of age shall be entitled to an award because of the death of the workman as herein provided, but the total amount of payments in excess of $2,400 received by the injured workman during such disability and prior to his death shall be proportionately deducted from the amounts herein provided to be paid to the surviving widow and the guardian of the workman's boys under 16 years of age and girls under 18 years of age.

(3) If any workman die within one year from the date of receiving an award for permanent partial disability and his death be shown to have resulted from the injuries for which the award was granted, the widow and the guardian of the workman's boys under 16 years of age and girls under 18 years of age shall be entitled to an award because of the death of the workman as herein provided, but the amount of the payments received by the injured workman prior to his death shall be proportionately deducted from the amounts herein provided to be paid to the surviving widow and the guardian of the workman's boys under 16 years of age and girls under 18 years of age.

(4) If any workman die within two years from the date of receiving an award for permanent total disability and his death be shown to have resulted from his injuries, the widow of said workman shall be entitled to an award because of the death of the workman as herein provided, but the amount of the payments received by the injured workman in excess of $2,000 prior to his death shall be deducted from the amount of her award.

(5) If the workman leaves no widow, or widower or boy under the age of 16 years, or girl under the age of 18 years, but leaves a parent or parents surviving, such surviving parent or parents shall receive a lump sum of $1,000; *Provided*, A parent or parents who are nonresident aliens shall receive a lump sum of one-third of $1,000.

[Section 4344, C. S. 1920, was amended by chapter 111, Acts of 1927, to read as follows:]

SEC. 4344. *Examination by State treasurer.*—That State treasurer may at any time on 24 hours' notice (unless such notice is waived by the employer) either in person or through any authorized inspector, agent or deputy, examine the books, accounts or pay rolls of any employer at any time for the purpose of securing any information desired in the administration of this act.

SUPPLEMENTAL LAW

[Section 14, chapter 60, Acts of 1923 (as amended 1925, ch. 124), was further amended by chapter 111, Acts of 1927, to read as follows:]

SEC. 14. *Reopening of cases.*—The State treasurer shall have the right to cause any case to be reopened in which an order of award has been made, provided he shall cause a petition for the reopening of the case to be filed with the court which granted the award, within 30 days after the date on which the order of award was received in the State treasurer's office. Such petition must show probable cause that error was made in the amount of the award or the character of the award or the grounds on which the award was made, and may specify as a reason for reopening the case existing evidence not given in the original hearing, showing the general nature and effect of such evidence. On the filing of such a petition and on the court finding that probable cause is shown thereby, the court shall stay the award, and upon reasonable notice to all parties reopen the case and set the same for hearing de novo. The State treasurer may take such part in the new hearing as he may deem advisable and shall have every right and privilege of a party to the cause. He shall have the right of appeal to the supreme court from any order in such new hearing, either granting an award or refusing to grant an award. He shall also have a right of appeal from an order refusing to reopen a case.

In addition and without the necessity of presenting any petition for the reopening of a case to the trial court, the State treasurer shall have the right to appeal to the supreme court from any order or judgment in any district court of the State awarding compensation or declining to award compensation although he was not a party to the proceedings in such district court. Upon

the perfecting of any appeal instituted by the State treasurer the court allowing the appeal shall issue an order staying the execution of the order or judgment appealed from without requiring any bond. The attorney general or his deputy or assistant shall act as the attorney of the State treasurer in all cases. All costs of new hearings granted upon the petition of the State treasurer and all costs of appeals conducted by the State treasurer shall be paid by the industrial accident fund, except such costs as the court in its discretion shall assess against any of the other parties to the cause.

[Section 8, chapter 111, Acts of 1927, provides as follows:]

SEC. 8. *Deferred payment account.*—Whenever an order of award shall specify that the award is to be paid in monthly payments the State treasurer shall charge the amount thereof against the account of the employer of the injured workman and shall transfer the amount of said award from the general fund into a deferred payment account, which account shall thereafter be alone liable for the payment of the award. Interest earned by the deferred payment account shall be paid into the general fund, as well as all amounts repaid or returned to said general fund under the provisions of this act or by reason of modification of orders of award. Whenever a modification of an order of award increases the amount of the award the additional amount shall be charged against the employer's account and transferred from the general fund into the deferred payment account, and whenever a modification of an order of award decreases the amount of the award the amount of such decrease shall be transferred from the deferred payment account to the general fund and credited to the account of the employer.

UNITED STATES

CIVIL EMPLOYEES

[Sections 6, 10 (H) and (K) and 11, Acts of 1915–16, were amended by acts of Sixty-ninth Congress, second session, ch. 110 (44 Stat. 1086), to read as follows:]

SEC. 6. That the monthly compensation for total disability shall not be more than $116.66, nor less than $58.33, unless the employee's monthly pay is less than $58.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than $116.66. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity.

SEC. 10 (H). As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under 18 years of age or over that age and incapable of self-support. The term "parent" includes step-parents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at time of his death or living apart for reasonable cause or by reason of his desertion.

SEC. 10 (K). In computing compensation under this section the monthly pay shall be considered not to be more than $175 nor less than $87.50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section 12.

SEC. 11. That if death results from the injury within six years the United States shall pay to the personal representative of the deceased employee funeral and burial expenses not to exceed $200, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such funeral and burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury or, if there has been no disability preceding death, more than one year after the injury.

LONGSHOREMEN AND HARBOR WORKERS

ACTS OF SIXTY-NINTH CONGRESS (SECOND SESSION, 1926–27)

(44 Stat. 1424)

CHAPTER 509.—*Compensation for disability or death resulting from injury to employees in certain maritime employments*

SECTION 1—*Title.*—This act may be cited as "Longshoremen's and harbor workers' compensation act."

SEC. 2[1]—*Definitions.*—When used in this act—

(1) The term "person" means individual, partnership, corporation, or association.

[1] In its application to District of Columbia employments this section must be read in conjunction with the act of the Seventieth Congress, first session, 1928 (45 Stat. 600), extending its provisions to the District of Columbia.

(2) The term "injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury, and includes an injury caused by the willful act of a third person directed against an employee because of his employment.

(3) The term "employee" does not include a master or member of a crew of any vessel, nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net.

(4) The term "employer" means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any dry dock).

(5) The term "carrier" means any person or fund authorized under section 32 to insure under this act and includes self-insurers.

(6) The term "commission" means the United States Employees' Compensation Commission.

(7) The term "deputy commissioner" means the deputy commissioner having jurisdiction in respect of an injury or death.

(8) The term "State" includes a Territory and the District of Columbia.

(9) The term "United States" when used in a geographical sense means the several States and Territories and the District of Columbia, including the territorial waters thereof.

(10) "Disability" means incapacity because of injury to earn the wages which the employee was receiving at the time of injury in the same or any other employment.

(11) "Death" as a basis for a right to compensation means only death resulting from an injury.

(12) "Compensation" means the money allowance payable to an employee or to his dependents as provided for in this act, and includes funeral benefits provided therein.

(13) "Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the injury, including the reasonable value of board, rent, housing, lodging, or similar advantage received from the employer, and gratuities received in the course of employment from others than the employer.

(14) "Child" shall include a posthumous child, a child legally adopted prior to the injury of the employee, and a stepchild or acknowledged illegitimate child dependent upon the deceased, but does not include married children unless wholly dependent on him. "Grandchild" means a child as above defined of a child as above defined. "Brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but does not include married brothers nor married sisters unless wholly dependent on the employee. "Child," "grandchild," "brother," and "sister" include only persons who at the time of the death of the deceased employee are under 18 years of age.

(15) The term "parent" includes step-parents and parents by adoption, parents-in-law, and any person who for more than three years prior to the death of the deceased employee stood in the place of a parent to him, if dependent on the injured employee.

(16) The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death; or living apart for justifiable cause or by reason of his desertion at such time.

(17) The term "widower" includes only the decedent's husband who at the time of her death lived with her and was dependent for support upon her.

(18) The terms "adoption" or "adopted" mean legal adoption prior to the time of the injury.

(19) The singular includes the plural and the masculine includes the feminine and neuter.

SEC. 3.[2] *Compensation payable, when.*—(*a*) Compensation shall be payable under this act in respect of disability or death of an employee, but only if the disability or death results from an injury occurring upon the navigable waters of the United States (including any dry dock) and if recovery for the disability or

[2] In its application to District of Columbia employments this section must be read in conjunction with the act of the Seventieth Congress, first session, 1928 (45 Stat. 600), extending its provisions to the District of Columbia.

death through workmen's compensation proceedings may not validly be provided by State law. No compensation shall be payable in respect of the disability or death of—

(1) A master or member of a crew of any vessel, nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net; or

(2) An officer or employee of the United States or any agency thereof or of any State or foreign government, or of any political subdivision thereof.

(*b*) No compensation shall be payable if the injury was occasioned solely by the intoxication of the employee or by the willful intention of the employee to injure or kill himself or another.

SEC. 4. *Contractors.*—(*a*) Every employer shall be liable for and shall secure the payment to his employees of the compensation payable under sections 7, 8, and 9. In the case of an employer who is a subcontractor, the contractor shall be liable for and shall secure the payment of such compensation to employees of the subcontractor unless the subcontractor has secured such payment.

(*b*) Compensation shall be payable irrespective of fault as a cause for the injury.

SEC. 5. *Exclusiveness of liability.*—The liability of an employer prescribed in section 4 shall be exclusive and in place of all other liability of such employer to the employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this act, an injured employee, or his legal representative in case death results from the injury, may elect to claim compensation under this act, or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant, nor that the employee assumed the risk of his employment, nor that the injury was due to the contributory negligence of the employee.

SEC. 6. *Waiting time.*—(*a*) No compensation shall be allowed for the first seven days of the disability, except the benefits provided for in section 7: *Provided, however*, That in case the injury results in disability for more than 49 days, the compensation shall be allowed from the date of the disability.

(*b*) Compensation for disability shall not exceed $25 per week nor be less than $8 per week: *Provided, however*, That if the employee's wages at the time of injury are less than $8 per week he shall receive his full weekly wages.

SEC. 7. *Medical, etc., aid.*—(*a*) The employer shall furnish such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus for such period as the nature of the injury or the process of recovery may require. If the employer fails to provide the same, after request by the injured employee, such injured employee may do so at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for such treatment or services unless he shall have requested the employer to furnish the same and the employer shall have refused or neglected to do so, or unless the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide the same; nor shall any claim for medical or surgical treatment be valid and enforceable, as against such employer, unless within 20 days following the first treatment the physician giving such treatment furnish to the employer and the deputy commissioner a report of such injury and treatment, on a form prescribed by the commission.

(*b*) Whenever in the opinion of the deputy commissioner a physician has not impartially estimated the degree of permanent disability or the extent of temporary disability of any injured employee, the deputy commissioner shall have the power to cause such employee to be examined by a physician selected by the deputy commissioner and to obtain from such physician a report containing his estimate of such disabilities. If the report of such physician shows that the estimate of the physician has not been impartial from the standpoint of such employee, the deputy commissioner shall have the power in his discretion to charge the cost of such examination to the employer, if he is a self-insurer, or to the insurance company which is carrying the risk.

(*c*) All fees and other charges for such treatment or service shall be limited to such charges as prevail in the same community for similar treatment of injured persons of like standard of living, and shall be subject to regulation by the deputy commissioner.

SEC. 8. *Compensation—Total and partial disability.*—Compensation for disability shall be paid to the employee as follows:

(*a*) Permanent total disability: In case of total disability adjudged to be permanent 66⅔ per centum of the average weekly wages shall be paid to the employee during the continuance of such total disability. Loss of both hands, or both arms, or both feet, or both legs or both eyes, or of any two thereof shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts.

(*b*) Temporary total disability: In case of disability total in character but temporary in quality 66⅔ per centum of the average weekly wages shall be paid to the employee during the continuance thereof.

(*c*) Permanent partial disability: In case of disability partial in character but permanent in quality the compensation shall be 66⅔ per centum of the average weekly wages, and shall be paid to the employee, as follows:

(1) Arm lost, 312 weeks' compensation.
(2) Leg lost, 288 weeks' compensation.
(3) Hand lost, 244 weeks' compensation.
(4) Foot lost, 205 weeks' compensation.
(5) Eye lost, 160 weeks' compensation.
(6) Thumb lost, 75 weeks' compensation.
(7) First finger lost, 46 weeks' compensation.
(8) Great toe lost, 38 weeks' compensation.
(9) Second finger lost, 30 weeks' compensation.
(10) Third finger lost, 25 weeks' compensation.
(11) Toe other than great toe lost, 16 weeks' compensation.
(12) Fourth finger lost, 15 weeks' compensation.
(13) Loss of hearing: Compensation for loss of hearing of one ear, 52 weeks. Compensation for loss of hearing of both ears, 200 weeks.
(14) Phalanges: Compensation for loss of more than one phalange of a digit shall be the same as for loss of the entire digit. Compensation for loss of the first phalange shall be one-half of the compensation for loss of the entire digit.
(15) Amputated arm or leg: Compensation for an arm or a leg, if amputated at or above the elbow or the knee, shall be the same as for a loss of the arm or leg; but, if amputated between the elbow and the wrist or the knee and the ankle, shall be the same as for loss of a hand or foot.
(16) Binocular vision or per centum of vision: Compensation for loss of binocular vision or for 80 per centum or more of the vision of an eye shall be the same as for loss of the eye.
(17) Two or more digits: Compensation for loss of two or more digits, or one or more phalanges of two or more digits, of a hand or foot may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the compensation for loss of a hand or foot.
(18) Total loss of use: Compensation for permanent total loss of use of a member shall be the same as for loss of the member.
(19) Partial loss or partial loss of use: Compensation for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member.
(20) Disfigurement: The deputy commissioner shall award proper and equitable compensation for serious facial or head disfigurement, not to exceed $3,500.
(21) Other cases: In all other cases in this class of disability the compensation shall be 66⅔ per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, payable during the continuance of such partial disability, but subject to reconsideration of the degree of such impairment by the deputy commissioner on his own motion or upon application of any party in interest.
(22) In case of temporary total disability and permanent partial disability, both resulting from the same injury, if the temporary total disability continues for a longer period than the number of weeks set forth in the following schedule, the period of temporary total disability in excess of such number of weeks shall be added to the compensation period provided in subdivision (*c*) of this section: Arm, 32 weeks; leg, 40 weeks; hand, 32 weeks; foot, 32 weeks; eye, 20 weeks; thumb, 24 weeks; first finger, 18 weeks; great toe, 12 weeks; second finger, 12

weeks; third finger, 8 weeks; fourth finger, 8 weeks; toe other than great toe, 8 weeks.

In any case resulting in loss or partial loss of use of arm, leg, hand, foot, eye, thumb, finger, or toe, where the temporary total disability does not extend beyond the periods above mentioned for such injury, compensation shall be limited to the schedule contained in subdivision (*c*).

(*d*) Any compensation to which any claimant would be entitled under subdivision (*c*) excepting subdivision (*c*–21) shall, notwithstanding death arising from causes other than the injury, be payable to and for the benefit of the persons following:

(1) If there be a surviving wife or dependent husband and no child of the deceased under the age of 18 years, to such wife or dependent husband.

(2) If there be a surviving wife or dependent husband and surviving child or children of the deceased under the age of 18 years, one-half shall be payable to the surviving wife or dependent husband and the other half to the surviving child or children.

(3) The deputy commissioner may in his discretion require the appointment of a guardian for the purpose of receiving the compensation of the minor child. In the absence of such a requirement the appointment for such a purpose shall not be necessary.

(4) If there be a surviving child or children of the deceased under the age of 18 years, but no surviving wife or dependent husband, then to such child or children.

(5) An award for disability may be made after the death of the injured employee.

(*e*) Temporary partial disability: In case of temporary partial disability resulting in decrease of earning capacity the compensation shall be two-thirds of the difference between the injured employee's average weekly wages before the injury and his wage-earning capacity after the injury in the same or another employment, to be paid during the continuance of such disability, but shall not be paid for a period exceeding five years.

(*f*) Injury increasing disability: (1) If an employee receive an injury which of itself would only cause permanent partial disability but which, combined with a previous disability, does in fact cause permanent total disability, the employer shall provide compensation only for the disability caused by the subsequent injury: *Provided, however,* That in addition to compensation for such permanent partial disability, and after the cessation of the payments for the prescribed period of weeks, the employee shall be paid the remainder of the compensation that would be due for permanent total disability. Such additional compensation shall be paid out of the special fund established in section 44.

(2) In all other cases in which, following a previous disability, an employee receives an injury which is not covered by (1) of this subdivision, the employer shall provide compensation only for the disability caused by the subsequent injury. In determining compensation for the subsequent injury or for death resulting therefrom, the average weekly wages shall be such sum as will reasonably represent the earning capacity of the employee at the time of the subsequent injury.

(*g*) Maintenance for employees undergoing vocational rehabilitation: An employee who as a result of injury is or may be expected to be totally or partially incapacitated for a remunerative occupation and who, under the direction of the commission as provided by section 39 (*c*) of this act, is being rendered fit to engage in a remunerative occupation, shall receive additional compensation necessary for his maintenance, but such additional compensation shall not exceed $10 a week. The expense shall be paid out of the special fund established in section 44.

SEC. 9. *Death benefits.*—If the injury causes death, the compensation shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following:

(*a*) Reasonable funeral expenses not exceeding $200.

(*b*) If there be a surviving wife or dependent husband and no child of the deceased under the age of 18 years, to such wife or dependent husband 35 per cent of the average wages of the deceased, during widowhood, or dependent widowerhood with two years' compensation in one sum upon remarriage; and if there be a surviving child or children of the deceased under the age of 18 years, the additional amount of 10 per cent of such wages for each such child until the age of 18 years; in case of the death or remarriage of such

surviving wife or dependent husband any surviving child of the deceased employee, at the time under 18 years of age, shall have his compensation increased to 15 per cent of such wage, and the same shall be payable until he shall reach the age of 18 years: *Provided*, That the total amount payable shall in no case exceed 66⅔ per cent of such wages. The deputy commissioner having jurisdiction over the claim may, in his discretion, require the appointment of a guardian for the purpose of receiving the compensation of a minor child. In the absence of such a requirement the appointment of a guardian for such purposes shall not be necessary.

(*c*) If there be a surviving child or children of the deceased under the age of 18 years, but no surviving wife or dependent husband, then for the support of each such child under the age of 18 years, 15 per cent of the wages of the deceased: *Provided*, That the aggregate shall in no case exceed 66⅔ per cent of such wages.

(*d*) If there be no surviving wife or dependent husband or child under the age of 18 years or if the amount payable to a surviving wife or dependent husband and to children under the age of 18 years shall be less in the aggregate than 66⅔ per cent of the average wages of the deceased; then for the support of grandchildren or brothers and sisters under the age of 18 years, if dependent upon the deceased at the time of the injury, 15 per cent of such wages for the support of each such person until the age of 18 years and for the support of each parent, or grandparent, of the deceased if dependent upon him at the time of the injury, 25 per cent of such wages during such dependency. But in no case shall the aggregate amount payable under this subdivision exceed the difference between 66⅔ per cent of such wages, and the amount payable as hereinbefore provided to surviving wife or dependent husband and for the support of surviving child or children.

(*e*) In computing death benefits the average weekly wages of the deceased shall be considered to have been not more than $37.50 nor less than $12, but the total weekly compensation shall not exceed the weekly wages of the deceased.

(*f*) All questions of dependency shall be determined as of the time of the injury.

(*g*) Aliens: Compensation under this chapter to aliens not residents (or about to become nonresidents) of the United States or Canada shall be the same in amount as provided for residents, except that dependents in any foreign country shall be limited to the surviving wife and child or children, or if there be no surviving wife or child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for the period of one year prior to the date of the injury, and except that the commission may, at its option or upon the application of the insurance carrier shall, commute all future installments of compensation to be paid to such aliens by paying or causing to be paid to them one-half of the commuted amount of such future installments of compensation as determined by the commission.

SEC. 10. *Basis for computing compensation.*—Except as otherwise provided in this act, the average weekly wage of the injured employee at the time of the injury shall be taken as the basis upon which to compute compensation and shall be determined as follows:

(*a*) If the injured employee shall have worked in the employment in which he was working at the time of the injury, whether for the same or another employer, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of 300 times the average daily wage or salary which he shall have earned in such employment during the days when so employed.

(*b*) If the injured employee shall not have worked in such employment during substantially the whole of such year, his average annual earnings shall consist of 300 times the average daily wage or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or in similar employment in the same or a neighboring place shall have earned in such employment during the days when so employed.

(*c*) If either of the foregoing methods of arriving at the annual average earnings of an injured employee can not reasonably and fairly be applied, such annual earnings shall be such sum as, having regard to the previous earnings of the injured employee and of other employees of the same or most similar class, working in the same or most similar employment in the same or neighboring locality, shall reasonably represent the annual earning capacity of the injured employee in the employment in which he was working at the time of the injury.

(*d*) The average weekly wages of an employee shall be one fifty-second part of his average annual earnings.

(*e*) If it be established that the injured employee was a minor when injured, and that under normal conditions his wages should be expected to increase during the period of disability the fact may be considered in arriving at his average weekly wages.

SEC. 11. *Appointment of guardian.*—The deputy commissioner may require the appointment by a court of competent jurisdiction, for any person who is mentally incompetent or a minor, of a guardian or other representative to receive compensation payable to such person under this act and to exercise the powers granted to or to perform the duties required of such person under this act.

SEC. 12. *Notice of injury or death.*—(*a*) Notice of an injury or death in respect of which compensation is payable under this act shall be given within 30 days after the date of such injury or death (1) to the deputy commissioner in the compensation district in which such injury occurred and (2) to the employer.

(*b*) Such notice shall be in writing, shall contain the name and address of the employee and a statement of the time, place, nature, and cause of the injury or death, and shall be signed by the employee or by some person on his behalf, or in case of death, by any person claiming to be entitled to compensation for such death or by a person on his behalf.

(*c*) Notice shall be given to the deputy commissioner by delivering it to him or sending it by mail addressed to his office, and to the employer by delivering it to him or by sending it by mail addressed to him at his last known place of business. If the employer is a partnership, such notice may be given to any partner, or if a corporation, such notice may be given to any agent or officer thereof upon whom legal process may be served or who is in charge of the business in the place where the injury occurred.

(*d*) Failure to give such notice shall not bar any claim under this act (1) if the employer (or his agent in charge of the business in the place where the injury occurred) or the carrier had knowledge of the injury or death and the deputy commissioner determines that the employer or carrier has not been prejudiced by failure to give such notice, or (2) if the deputy commissioner excuses such failure on the ground that for some satisfactory reason such notice could not be given; nor unless objection to such failure is raised before the deputy commissioner at the first hearing of a claim for compensation in respect of such injury or death.

SEC. 13. *Limitation.*—(*a*) The right to compensation for disability under this act shall be barred unless a claim therefor is filed within one year after the injury, and the right to compensation for death shall be barred unless a claim therefor is filed within one year after the death, except that if payment of compensation has been made without an award on account of such injury or death a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or such death occurred.

(*b*) Notwithstanding the provisions of subdivision (*a*) failure to file a claim within the period prescribed in such subdivision shall not be a bar to such right unless objection to such failure is made at the first hearing of such claim in which all parties in interest are given reasonable notice and opportunity to be heard.

(*c*) If a person who is entitled to compensation under this act is mentally incompetent or a minor, the provisions of subdivision (*a*) shall not be applicable so long as such person has no guardian or other authorized representative, but shall be applicable in the case of a person who is mentally incompetent or a minor from the date of appointment of such guardian or other representative, or in the case of a minor, if no guardian is appointed before he becomes of age, from the date he becomes of age.

(*d*) Where recovery is denied to any person, in a suit brought at law or in admirality to recover damages in respect of injury or death, on the ground that such person was an employee and that the defendant was an employer within the meaning of this act and that such employer had secured compensation to such employee under this act, the limitation of time prescribed in subdivision (*a*) shall begin to run only from the date of termination of such suit.

SEC. 14. *Payment of compensation.*—(*a*) Compensation under this act shall be paid periodically, promptly, and directly to the person entitled thereto,

without an award, except where liability to pay compensation is controverted by the employer.

(*b*) The first installment of compensation shall become due on the fourteenth day after the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Thereafter compensation shall be paid in installments, semimonthly, except where the deputy commissioner determines that payment in installments should be made monthly or at some other period.

(*c*) Upon making the first payment, and upon suspension of payment for any cause, the employer shall immediately notify the deputy commissioner, in accordance with a form prescribed by the commission, that payment of compensation has begun or has been suspended, as the case may be.

(*d*) If the employer controverts the right to compensation he shall file with the deputy commissioner on or before the fourteenth day after he has knowledge of the alleged injury or death, a notice, in accordance with a form prescribed by the commission, stating that the right to compensation is controverted, the name of the claimant, the name of the employer, the date of the alleged injury or death, and the grounds upon which the right to compensation is controverted.

(*e*) If any installment of compensation payable without an award is not paid within 14 days after it becomes due, as provided in subdivision (*b*) of this section, there shall be added to such unpaid installment an amount equal to 10 per cent thereof, which shall be paid at the same time as, but in addition to, such installment, unless notice is filed under subdivision (*d*) of this section, or unless such nonpayment is excused by the deputy commissioner after a showing by the employer that owing to conditions over which he had no control such installment could not be paid within the period prescribed for the payment.

(*f*) If any compensation, payable under the terms of an award, is not paid within 10 days after it becomes due, there shall be added to such unpaid compensation an amount equal to 20 per cent thereof, which shall be paid at the same time as but in addition to such compensation, unless review of the compensation order making such award is had as provided in section 21.

(*g*) Within 16 days after final payment of compensation has been made, the employer shall send to the deputy commissioner a notice, in accordance with a form prescribed by the commission, stating that such final payment has been made, the total amount of compensation paid, the name of the employee and of any other person to whom compensation has been paid, the date of the injury or death, and the date to which compensation has been paid. If the employer fails to so notify the deputy commissioner within such time the commission shall assess against such employer a civil penalty in the amount of $100.

(*h*) The deputy commissioner (1) may upon his own initiative at any time in a case in which payments are being made without an award, and (2) shall in any case where right to compensation is controverted, or where payments of compensation have been stopped or suspended, upon receipt of notice from any person entitled to compensation, or from the employer, that the right to compensation is controverted, or that payments of compensation have been stopped or suspended, make such investigations, cause such medical examinations to be made, or hold such hearings, and take such further action as he considers will properly protect the rights of all parties.

(*i*) Whenever the deputy commissioner deems it advisable he may require any employer to make a deposit with the Treasurer of the United States to secure the prompt and convenient payment of such compensation, and payments therefrom upon any awards shall be made upon order of the deputy commissioner.

(*j*) Whenever the deputy commissioner determines that it is for the best interests of a person entitled to compensation, the liability of the employer for such compensation may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at 4 per cent true discount compounded annually. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which he is entitled to compensation shall be determined in accordance with the American Experience Table of Mortality. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

(*k*) If the employer has made advance payments of compensation, he shall be entitled to be reimbursed out of any unpaid installment or installments of compensation due.

(*l*) An injured employee, or in case of death his dependents or personal representative, shall give receipts for payment of compensation to the employer paying the same and such employer shall produce the same for inspection by the deputy commissioner, whenever required.

(*m*) The total compensation payable under this act for injury or death shall in no event exceed the sum of $7,500.

SEC. 15. *Invalid agreements.*—(*a*) No agreement by an employee to pay any portion of premium paid by his employer to a carrier or to contribute to a benefit fund or department maintained by such employer for the purpose of providing compensation or medical services and supplies as required by this act shall be valid, and any employer who makes a deduction for such purpose from the pay of any employee entitled to the benefits of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000.

(*b*) No agreement by an employee to waive his right to compensation under this act shall be valid.

SEC. 16. *Assignments, etc.*—No assignment, release, or commutation of compensation or benefits due or payable under this act, except as provided by this act, shall be valid, and such compensation and benefits shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived.

SEC. 17. *Preferences.*—Compensation shall have the same preference of lien against the assets of the carrier or employer without limit of amount as is now or may hereafter be allowed by law to the claimant for unpaid wages or otherwise.

SEC. 18. *Default in payments.*—In case of default by the employer in the payment of compensation due under any award of compensation for a period of 30 days after the compensation is due and payable, the person to whom such compensation is payable may, within one year after such default, make application to the deputy commissioner making the compensation order or a supplementary order declaring the amount of the default. After investigation, notice, and hearing, as provided in section 19, the deputy commissioner shall make a supplementary order, declaring the amount of the default, which shall be filed in the same manner as the compensation order. In case the payment in default is an installment of the award, the deputy commissioner may, in his discretion, declare the whole of the award as the amount in default. The applicant may file a certified copy of such supplementary order with the clerk of the Federal district court for the judicial district in which the employer has his principal place of business or maintains an office, or for the judicial district in which the injury occurred. In case such principal place of business or office or place where the injury occurred is in the District of Columbia, a copy of such supplementary order may be filed with the clerk of the Supreme Court of the District of Columbia. Such supplementary order of the deputy commissioner shall be final, and the court shall upon the filing of the copy enter judgment for the amount declared in default by the supplementary order if such supplementary order is in accordance with law. Review of the judgment so entered may be had as in civil suits for damages at common law. Final proceedings to execute the judgment may be had by writ of execution in the form used by the court in suits at common law in actions of assumpsit. No fee shall be required for filing the supplementary order nor for entry of judgment thereon, and the applicant shall not be liable for costs in a proceeding for review of the judgment unless the court shall otherwise direct. The court shall modify such judgment to conform to any later compensation order upon presentation of a certified copy thereof to the court.

SEC. 19. *Procedure.*—(*a*) Subject to the provisions of section 13 a claim for compensation may be filed with the deputy commissioner in accordance with regulations prescribed by the commission at any time after the first seven days of disability following any injury, or at any time after death, and the deputy commissioner shall have full power and authority to hear and determine all questions in respect of such claim.

(*b*) Within 10 days after such claim is filed the deputy commissioner, in accordance with regulations prescribed by the commission, shall notify the employer and any other person (other than the claimant), whom the deputy commissioner considers an interested party, that a claim has been filed. Such notice may be served personally upon the employer or other person, or sent to such employer or person by registered mail.

(*c*) The deputy commissioner shall make or cause to be made such investigations as he considers necessary in respect of the claim, and upon application of any interested party shall order a hearing thereon. If a hearing on such claim is ordered the deputy commissioner shall give the claimant and other interested parties at least 10 days' notice of such hearing, served personally upon the claimant and other interested parties or sent to such claimant and other interested parties by registered mail, and shall within 20 days after such hearing is had, by order, reject the claim or make an award in respect of the claim. If no hearing is ordered within 20 days after notice is given as provided in subdivision (*b*), the deputy commissioner shall, by order, reject the claim or make an award in respect of the claim.

(*d*) At such hearing the claimant and the employer may each present evidence in respect of such claim and may be represented by any person authorized in writing for such purpose.

(*e*) The order rejecting the claim or making the award (referred to in this act as a compensation order) shall be filed in the office of the deputy commissioner, and a copy thereof shall be sent by registered mail to the claimant and to the employer at the last known address of each.

(*f*) An award of compensation for disability may be made after the death of an injured employee.

(*g*) After a compensation order has issued in any case the deputy commissioner may transfer such case to any other deputy commissioner for the purpose of taking testimony or making physical examinations.

(*h*) An injured employee claiming or entitled to compensation shall submit to such physical examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission as the deputy commissioner may require. The place or places shall be reasonably convenient for the employee. Such physician or physicians as the employee, employer, or carrier may select and pay for may participate in an examination if the employee, employer, or carrier so requests. Proceedings shall be suspended and no compensation be payable for any period during which the employee may refuse to submit to examination.

SEC. 20. *Presumptions.*—In any proceeding for the enforcement of a claim for compensation under this act it shall be presumed, in the absence of substantial evidence to the contrary—

(*a*) That the claim comes within the provisions of this act.

(*b*) That sufficient notice of such claim has been given.

(*c*) That the injury was not occasioned solely by the intoxication of the injured employee.

(*d*) That the injury was not occasioned by the willful intention of the injured employee to injure or kill himself or another.

SEC. 21. *Review of compensation orders.*—(*a*) A compensation order shall become effective when filed in the office of the deputy commissioner as provided in section 19, and, unless proceedings for the suspension or setting aside of such order are instituted as provided in subdivision (*b*) of this section, shall become final at the expiration of the thirtieth day thereafter.

(*b*) If not in accordance with law, a compensation order may be suspended or set aside, in whole or in part, through injunction proceedings, mandatory or otherwise, brought by any party in interest against the deputy commissioner making the order, and instituted in the Federal district court for the judicial district in which the injury occurred (or in the Supreme Court of the District of Columbia if the injury occurred in the District). The orders, writs, and processes of the court in such proceedings may run, be served, and be returnable anywhere in the United States. The payment of the amounts required by an award shall not be stayed pending final decision in any such proceeding unless upon application for an interlocutory injunction the court, on hearing, after not less than three days' notice to the parties in interest and the deputy commissioner, allows the stay of such payments, in whole or in part, where irreparable damage would otherwise ensue to the employer. The order of the court allowing any such stay shall contain a specific finding, based upon evidence submitted to the court and identified by reference thereto, that such irreparable damage would result to the employer, and specifying the nature of the damage.

(*c*) If any employer or his officers or agents fails to comply with a compensation order making an award that has become final, any beneficiary of such award or the deputy commissioner making the order, may apply for the enforcement of the order to the Federal district court for the judicial district

in which the injury occurred (or to the Supreme Court of the District of Columbia if the injury occurred in the District). If the court determines that the order was made and served in accordance with law, and that such employer or his officers or agents have failed to comply therewith, the court shall enforce obedience to the order by writ of injunction or by other proper process, mandatory or otherwise, to enjoin upon such person and his officers and agents compliance with the order.

(*d*) Proceedings for suspending, setting aside, or enforcing a compensation order, whether rejecting a claim or making an award, shall not be instituted otherwise than as provided in this section and section 18.

SEC. 22.—*Modification of awards.*—Upon his own initiative, or upon application of any party in interest, on the ground of a change in conditions, the deputy commissioner may at any time during the term of an award and after the compensation order in respect of such award has become final, review such order in accordance with the procedure prescribed in respect of claims in section 19, and in accordance with such section issue a new compensation order which may terminate, continue, increase, or decrease such compensation. Such new order shall not affect any compensation paid under authority of the prior order.

PROCEDURE

SEC. 23. *Hearings.*—(*a*) In making an investigation or inquiry or conducting a hearing the deputy commissioner shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as provided by this act; but may make such investigation or inquiry or conduct such hearing in such manner as to best ascertain the rights of the parties. Declarations of a deceased employee concerning the injury in respect of which the investigation or inquiry is being made or the hearing conducted shall be received in evidence and shall, if corroborated by other evidence, be sufficient to establish the injury.

(*b*) Hearings before a deputy commissioner shall be open to the public and shall be stenographically reported, and the deputy commissioners, subject to the approval of the commission, are authorized to contract for the reporting of such hearings. The commission shall by regulation provide for the preparation of a record of the hearings and other proceedings before the deputy commissioners.

SEC. 24.—*Witnesses.*—No person shall be required to attend as a witness in any proceeding before a deputy commissioner at a place outside of the State of his residence and more than 100 miles from his place of residence, unless his lawful mileage and fee for one day's attendance shall be first paid or tendered to him; but the testimony of any witness may be taken by deposition or interrogatories according to the rules of practice of the Federal district court for the judicial district in which the case is pending (or of the Supreme Court of the District of Columbia if the case is pending in the District).

SEC. 25.—*Witness fees.*—Witnesses summoned in a proceeding before a deputy commissioner or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States.

SEC. 26. *Frivolous controversies—costs.*—If the court having jurisdiction of proceedings in respect of any claim or compensation order determines that the proceedings in respect of such claim or order have been instituted or continued without reasonable ground, the costs of such proceedings shall be assessed against the party who has so instituted or continued such proceedings.

SEC. 27. *Powers of deputy commissioners.*—(*a*) The deputy commissioner shall have power to preserve and enforce order during any such proceedings; to issue subpœnas for, to administer oaths to, and to compel the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths; to examine witnesses; and to do all things conformable to law which may be necessary to enable him effectively to discharge the duties of his office.

(*b*) If any person in proceedings before a deputy commissioner disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered to do so, any pertinent book, paper, or document, or refuses to appear after having been subpœnaed, or upon appearing refuses to take the oath as a witness, or after having taken the oath refuses to be examined ac-

cording to law, the deputy commissioner shall certify the facts to the district court having jurisdiction in the place in which he is sitting (or to the Supreme Court of the District of Columbia if he is sitting in such District) which shall thereupon in a summary manner hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of or in the presence of the court.

SEC. 28. *Fees for services.*—(*a*) No claim for legal services or for any other services rendered in respect of a claim or award for compensation, to or on account of any person, shall be valid unless approved by the deputy commissioner, or if proceedings for review of the order of the deputy commissioner in respect of such claim or award are had before any court, unless approved by such court. Any claim so approved shall, in the manner and to the extent fixed by the deputy commissioner or such court, be a lien upon such compensation.

(*b*) Any person (1) who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the deputy commissioner or such court, or (2) who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation, shall be guilty of a misdemeanor, and upon conviction thereof, shall, for each offense, be punished by a fine of not more than $1,000 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

SEC. 29. *Records.*—Every employer shall keep a record in respect of any injury to an employee. Such record shall contain such information of disease, other disability, or death in respect of such injury as the commission may by regulation require, and shall be available to inspection by the commission or by any State authority at such times and under such conditions as the commission may by regulation prescribe.

SEC. 30. *Reports.*—(*a*) Within 10 days from the date of any injury or death or from the date that the employer has knowledge of a disease or infection in respect of such injury, the employer shall send to the commission a report setting forth (1) the name, address, and business of the employer; (2) the name, address, and occupation of the employee; (3) the cause and nature of the injury or death; (4) the year, month, day, and hour when and the particular locality where the injury or death occurred; and (5) such other information as the commission may require. A copy of such report shall be sent at the same time to the deputy commissioner in the compensation district in which the injury occurred.

(*b*) Additional reports in respect of such injury and of the condition of such employee shall be sent by the employer to the commission and to such deputy commissioner at such times and in such manner as the commission may prescribe.

(*c*) Any report provided for in subdivision (*a*) or (*b*) shall not be evidence of any fact stated in such report in any proceeding in respect of such injury or death on account of which the report is made.

(*d*) The mailing of any such report and copy in a stamped envelope, within the time prescribed in subdivisions (*a*) or (*b*), to the commission and deputy commissioner, respectfully, shall be a compliance with this section.

(*e*) Any employer who fails or refuses to send any report required of him by this section shall be subject to a civil penalty not to exceed $500 for each such failure or refusal.

SEC. 31. *Penalty.*—Any person who wilfully makes any false or misleading statement or representation for the purpose of obtaining any benefit or payment under this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not to exceed $1,000 or by imprisonment of not to exceed one year, or by both such fine and imprisonment.

SEC. 32. *Security.*—(a) Every employer shall secure the payment of compensation under this act—

(1) By insuring and keeping insured the payment of such compensation with any stock company or mutual company or association, or with any other person or fund, while such person or fund is authorized (A) under the laws of the United States or of any State, to insure workmen's compensation, and (B) by the commission, to insure payment of compensation under this act; or

(2) By furnishing satisfactory proof to the commission of his financial ability to pay such compensation and receiving an authorization from the commission to pay such compensation directly, the commission may, as a

condition to such authorization, require such employer to deposit in a depository designated by the commission either an indemnity bond or securities (at the option of the employer) of a kind and in an amount determined by the commission, and subject to such conditions as the commission may prescribe, which shall include authorization to the commission in case of default to sell any such securities sufficient to pay compensation awards or to bring suit upon such bonds to procure prompt payment of compensation under this act. Any employer securing compensation in accordance with the provisions of this paragraph shall be known as a self-insurer.

(*b*) In granting authorization to any carrier to insure payment of compensation under this act the commission may take into consideration the recommendation of any State authority having supervision over carriers or over workmen's compensation, and may authorize any carrier to insure the payment of compensation under this act in a limited territory. Any marine protection and indemnity mutual insurance corporation or association, authorized to write insurance against liability for loss or damage from personal injury and death, and for other losses and damages, incidental to or in respect of the ownership, operation, or chartering of vessels on a mutual assessment plan, shall be deemed a qualified carrier to insure compensation under this act. The commission may suspend or revoke any such authorization for good cause shown after a hearing at which the carrier shall be entitled to be heard in person or by counsel and to present evidence. No suspension or revocation shall affect the liability of any carrier already incurred.

SEC. 33. *Liability of third parties.*—(*a*) If on account of a disability or death for which compensation is payable under this act the person entitled to such compensation determines that some person other than the employer is liable in damages, he may elect, by giving notice to the deputy commissioner in such manner as the commission may provide, to receive such compensation or to recover damages against such third person.

(*b*) Acceptance of such compensation shall operate as an assignment to the employer of all right of the person entitled to compensation to recover damages against such third person, whether or not the person entitled to compensation has notified the deputy commissioner of his election.

(*c*) The payment of such compensation into the fund established in section 44 shall operate as an assignment to the employer of all right of the legal representative of the deceased (hereinafter referred to as "representative") to recover damages against such third person, whether or not the representative has notified the deputy commissioner of his election.

(*d*) Such employer on account of such assignment may either institute proceedings for the recovery of such damages or may compromise with such third person either without or after instituting such proceeding.

(*e*) Any amount recovered by such employer on account of such assignment, whether or not as the result of a compromise, shall be distributed as follows:

(1) The employer shall retain an amount equal to—

(A) The expenses incurred by him in respect of such proceedings or compromise (including a reasonable attorney's fee as determined by the deputy commissioner).

(B) The cost of all benefits actually furnished by him to the employee under section 7.

(C) All amounts paid as compensation, and the present value of all amounts payable as compensation, such present value to be computed in accordance with a schedule prepared by the commission, and the amounts so computed to be retained by the employer as a trust fund to pay such compensation as it becomes due and to pay any sum, in excess of such compensation, to the person entitled to compensation or to the representative; and

(2) The employer shall pay any excess to the person entitled to compensation or to the representative.

(*f*) If the person entitled to compensation or the representative elects to recover damages against such third person and notifies the commission of his election and institutes proceedings within the period prescribed in section 13, the employer shall be required to pay as compensation under this act a sum equal to the excess of the amount which the commission determines is payable on account of such injury or death over the amount recovered against such third person.

(*g*) If a compromise with such third person is made by the person entitled to compensation or such representative of an amount less than the compensation to which such person or representative would be entitled to under this act, the

employer shall be liable for compensation as determined in subdivision (*e*) only if such compromise is made with his written approval.

(*h*) The deputy commissioner may, if the person entitled to compensation under this act is a minor, make any election required under subdivision (*a*) of this section, or may authorize the parent or guardian of the minor to make such election.

SEC. 34. *Posting of notice.*—Every employer who has secured compensation under the provisions of this act shall keep posted in a conspicuous place or places in and about his place or places of business typewritten or printed notices, in accordance with a form prescribed by the commission, stating that such employer has secured the payment of compensation in accordance with the provisions of this act. Such notices shall contain the name and address of the carrier, if any, with whom the employer has secured payment of compensation and the date of the expiration of the policy.

SEC. 35. *Substitution of carrier for employer.*—In any case where the employer is not a self-insurer, in order that the liability for compensation imposed by this act may be most effectively discharged by the employer, and in order that the administration of this act in respect of such liability may be facilitated, the commission shall by regulation provide for the discharge, by the carrier for such employer, of such obligations and duties of the employer in respect of such liability, imposed by this act upon the employer, as it considers proper in order to effectuate the provisions of this act. For such purposes (1) notice to or knowledge of an employer of the occurrence of the injury shall be notice to or knowledge of the carrier, (2) jurisdiction of the employer by a deputy commissioner, the commission, or any court under this act shall be jurisdiction of the carrier, and (3) any requirement by a deputy commissioner, the commission, or any court under any compensation order, finding, or decision shall be binding upon the carrier in the same manner and to the same extent as upon the employer.

SEC. 36. *Insurance policies.*—(*a*) Every policy or contract of insurance issued under authority of this act shall contain (1) a provision to carry out the provisions of section 35, and (2) a provision that insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the carrier from payment of compensation for disability or death sustained by an employee during the life of such policy or contract.

(*b*) No contract or policy of insurance issued by a carrier under this act shall be cancelled prior to the date specified in such contract or policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the deputy commissioner and to the employer in accordance with the provisions of subdivision (*c*) of section 12.

SEC. 37. *Certificate of compliance.*—No stevedoring firm shall be employed in any compensation district by a vessel or by hull owners until it presents to such vessel or hull owners a certificate issued by a deputy commissioner assigned to such district that it has complied with the provisions of this act requiring the securing of compensation to its employees. Any person violating the provisions of this section shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 38. *Penalty for failure to secure payment of compensation.*—Any employer required to secure the payment of compensation under this act who fails to secure such compensation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. This section shall not affect any other liability of the employer under this act.

SEC. 39. *Administration.*—(*a*) Except as otherwise specifically provided, the United States Employees' Compensation Commission shall administer the provisions of this act, and for such purpose the commission is authorized (1) to make such rules and regulations; (2) to appoint and fix the compensation of such temporary technical assistants and medical advisers, and, subject to the provisions of the civil service laws, to appoint, and, in accordance with the classification act of 1923, to fix the compensation of such deputy commissioners (except deputy commissioners appointed under subdivision (*a*) of section 40) and other officers and employees; and (3) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, and for printing and binding) as may be necessary in the administration of this act. All expenditures

of the commission in the administration of this act shall be allowed and paid as provided in section 45 upon the presentation of itemized vouchers therefor approved by the commission.

(*b*) The commission shall establish compensation districts, to include the high seas and the areas within the United States to which this act applies, and shall assign to each such district one or more deputy commissioners, as the commission deems advisable. Judicial proceedings under sections 18 and 21 of this act in respect of any injury or death occurring on the high seas shall be instituted in the district court within whose territorial jurisdiction is located the office of the deputy commissioner having jurisdiction in respect of such injury or death (or in the Supreme Court of the District of Columbia if such office is located in such District).

(*c*) The commission shall direct the vocational rehabilitation of permanently disabled employees and shall arrange with the appropriate public or private agencies in States or Territories, possessions, or the District of Columbia for such education. The Federal Board for Vocational Education shall cooperate with the commission in such educational work. The commission may in its discretion furnish such prosthetic appliances or other apparatus made necessary by an injury upon which an award has been made under this act to render a disabled employee fit to engage in a remunerative occupation. If any surplus is left in any fiscal year in the fund provided for in section 44, such surplus may be used in subsequent fiscal years for the purposes of this section except for the purposes of administration and investigation.

SEC. 40. *Deputy commissioners.*—(*a*) The commission may appoint as deputy commissioners any member of any board, commission, or other agency of a State to act as deputy commissioner for any compensation district or part thereof in such State, and may make arrangements with such board, commission, or other agency for the use of the personnel and facilities thereof in the administration of this act. The commission may make such arrangements as may be deemed advisable by it for the payment of expenses of such board, commission, or other agency, incurred in the administration of this act pursuant to this section, and for the payment of salaries to such board, commission, or other agency, or the members thereof, and may pay any amounts agreed upon to the proper officers of the State, upon vouchers approved by the commission.

(*b*) In any Territory of the United States or in the District of Columbia a person holding an office under the United States may be appointed deputy commissioner and for services rendered as deputy commissioner may be paid compensation, in addition to that he is receiving from the United States, in an amount fixed by the commission in accordance with the classification act of 1923.

(*c*) Deputy commissioners (except deputy commissioners appointed under subdivision (*a*) of this section) may be transferred from one compensation district to another and may be temporarily detailed from one compensation district for service in another in the discretion of the commission.

(*d*) Each deputy commissioner shall maintain and keep open during reasonable business hours an office, at a place designated by the commission, for the transaction of business under this act, at which office he shall keep his official records and papers. Such office shall be furnished and equipped by the commission, who shall also furnish the deputy commissioner with all necessary clerical and other assistants, records, books, blanks, and supplies. Wherever practicable such office shall be located in a building owned or leased by the United States; otherwise the commission shall rent suitable quarters.

(*e*) If any deputy commissioner is removed from office, or for any reason ceases to act as such deputy commissioner, all of his official records and papers and office equipment shall be transferred to his successor in office or, if there be no successor, then to the commission or to a deputy commissioner designated by the commission.

(*f*) Neither a deputy commissioner nor any business associate of a deputy commissioner shall appear as attorney in any proceeding under this act, and no deputy commissioner shall act in any such case in which he is interested, or when he is employed by any party in interest or related to any party in interest by consanguinity or affinity within the third degree, as determined by the common law.

SEC. 41. *Investigations by the commission.*—(*a*) The commission shall make studies and investigations with respect to safety provisions and the causes of injuries in employments covered by this act, and shall from time to time make

to Congress and to employers and carriers such recommendations as it may deem proper as to the best means of preventing such injuries.

(*b*) In making such studies and investigations the commission is authorized (1) to cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any employment covered by this act, or with any State agency, engaged in enforcing any laws to assure safety for employees, and (2) to permit any such agency to have access to the records of the commission. In carrying out the provisions of this section the commission or any officer or employee of the commission is authorized to enter at any reasonable time upon any premises, tracks, wharf, dock, or other landing place, or upon any vessel, or to enter any building, where an employment covered by this act is being carried on, and to examine any tool, appliance, or machinery used in such employment.

SEC. 42. *Traveling expenses.*—The commissioners, deputy commissioners, and other employees of the commission shall be entitled to receive their necessary traveling expenses and expenses actually incurred for subsistence while traveling on official business and away from their designated stations, as provided by the subsistence expense act of 1926.

SEC. 43. *Annual report.*—The commission shall make to Congress at the beginning of each regular session a report of the administration of this act for the preceding fiscal year, including a detailed statement of receipts of and expenditures from the funds established in sections 44 and 45, together with such recommendations as the commission deems advisable.

SEC. 44. *Special fund.*—(*a*) There is hereby established in the Treasury of the United States a special fund for the purpose of making payments in accordance with the provisions of subsections (*f*) and (*g*) of section 8 of this act. Such fund shall be administered by the commission. The Treasurer of the United States shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be money or property of the United States.

(*b*) The Treasurer is authorized to disburse moneys from such fund only upon order of the commission. He shall be required to give bond in an amount to be fixed and with securities to be approved by the Secretary of the Treasury and the Comptroller General of the United States conditioned upon the faithful performance of his duty as custodian of such fund.

(*c*) Payments into such fund shall be made as follows:

(1) Each employer shall pay $1,000 as compensation for the death of an employee of such employer resulting from injury where the deputy commissioner determines that there is no person entitled under this act to compensation for such death. Fifty per cent of each such payment shall be available for the payments under subdivision (*f*) of section 8, and 50 per cent shall be available for payments under subdivision (*g*) of section 8.

(2) All amounts collected as fines and penalties under the provisions of this act shall be paid into such fund.

(*d*) The Treasurer of the United States shall deposit any moneys paid into such fund into such depository banks as the commission may designate and may invest any portion of the funds which, in the opinion of the commission, is not needed for current requirements, in bonds or notes of the United States or of any Federal land bank.

(*e*) Neither the United States nor the commission shall be liable in respect of payments authorized under section 8 in an amount greater than the money or property deposited in or belonging to such fund.

(*f*) The Comptroller General of the United States shall audit the account for such fund, but the action of the commission in making payments from such fund shall be final and not subject to review, and the Comptroller General is authorized and directed to allow credit in the accounts of any disbursing officer of the commission for payments made from such fund authorized by the commission.

(*g*) All civil penalties provided for in this act shall be collected by civil suit brought by the commission.

SEC. 45. *Administration fund.*—(*a*) There is hereby established in the Treasury of the United States a special fund for the purpose of providing for the payment of all expenses in respect of the administration of this act. Such fund shall be administered by the commission. The Treasurer of the United States shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the United States.

(*b*) The provisions of subdivisions (*b*), (*d*), and (*f*) of section 44 shall be applicable to the fund hereby established.

SEC. 46. *Appropriation.*—(*a*) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, which shall be covered into the administration fund established in section 45 and shall be available for expenses incurred in the administration of this act during the remainder of the fiscal year ending June 30, 1927, and during the fiscal year ending June 30, 1928. All unexpended balances of any appropriations made under authority of this section, remaining in such fund on July 1, 1928, shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 47. *Availability of appropriations.*—The expenses incurred for salaries and contingent expenses by the United States Employees' Compensation Commission in the administration (1) of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, and (2) of this act, may be paid from the appropriations for salaries and contingent expenses for the administration of such act of September 7, 1916, and from the fund established in section 45 of this act, in such proportion as the commission, with the approval of the Director of the Bureau of the Budget, determines to be fairly attributable to the cost of administration of the respective acts, but the total amount paid from such appropriation and such fund in any fiscal year on account of the administration of such act of September 7, 1916, shall not exceed the amounts appropriated for salaries and contingent expenses for the administration of such act for such year.

SEC. 48. *Laws inapplicable.*—Nothing in sections 4283, 4284, 4285, 4286, or 4289 of the Revised Statutes, as amended, nor in section 18 of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, as amended, shall be held to limit the amount for which recovery may be had (1) in any suit at law or in admiralty where an employer has failed to secure compensation as required by this act, or (2) in any proceeding for compensation, any addition to compensation, or any civil penalty.

SEC. 49. *Effect of unconstitutionality.*—If any part of this act is adjudged unconstitutional by the courts, and such adjudication has the effect of invalidating any payment of compensation under this act, the period intervening between the time the injury was sustained and the time of such adjudication shall not be computed as a part of the time prescribed by law for the commencement of any action against the employer in respect of such injury; but the amount of any compensation paid under this act on account of such injury shall be deducted from the amount of damages awarded in such action in respect of such injury.

SEC. 50. *Separability provision.*—If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

SEC. 51. *Effective date.*—Sections 39 to 51, inclusive, shall become effective upon the passage of this act, and the remainder of this act shall become effective on July 1, 1927.

SUPPLEMENTAL LAW

ACTS OF SEVENTIETH CONGRESS, FIRST SESSION

(45 Stat. 490)

CHAPTER 502.—*An act to amend the longshoremen's and harbor workers' compensation act*

In any court proceedings under section 21 or other provisions of the longshoremen's and harbor workers' compensation act, it shall be the duty of the district attorney of the United States in the judicial district in which the case is pending to appear as attorney or counsel on behalf of the United States Employees' Compensation Commission or its deputy commissioner when either is a party to the case or interested, and to represent such commission or deputy in any court in which such case may be carried on appeal.

PART VI

TEXT OF WORKMEN'S COMPENSATION LEGISLATION OF CANADA, 1927 AND 1928

[The text of the laws has been punctuated in accordance with the rules for punctuation laid down by the Government Printing Office for Government publications, and does not follow, in all cases, the official State editions.]

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TEXT OF THE LAWS

ALBERTA

[The compensation law of the Province of Alberta (ch. 177, R. S., 1922) was amended by chapter 44, Acts of 1927 and chapter 38, Acts of 1928. The changes are noted below.

[Section 2, paragraph (*q*), was amended by Acts of 1928, chapter 38, by adding the following:]

"and shall include the driver of a vehicle doing work for another, whether the former supplies the vehicle or does not supply it, provided that the relationship of master and servant exists between such driver and the said other person."

[Section 6 struck out by Acts of 1928, chapter 38 and a new section substituted as follows:]

6. (1) The chairman shall hold office for 10 years from the date of his appointment and the two other commissioners shall hold office for 8 years from the said date and all commissioners subsequently appointed shall hold office for 10 years from the date of their appointment:

Provided, however, that every member of the board appointed upon the coming into force of this act shall hold office until another is appointed in his stead or until the provisions of this section have been made applicable to him by order in council, whichever first happens:

Provided further, That any commissioner may be removed from office by the lieutenant governor on address of the legislative assembly.

(2) No commissioner shall engage in any other business or employment for remuneration.

[Section 13 was amended by Acts of 1928, chapter 38, adding at the end of subsection (1), the following:]

"nor shall any action be maintained or brought against the board or any commissioner in respect of any act or decision done or made in the honest belief that the same was within the jurisdiction of the board."

[Section 16 was amended by Acts of 1928, chapter 38, by striking out subsection 2 and inserting the following:]

(2) Upon the application of a majority of the workmen engaged in any establishment, undertaking, trade or business, or in any branch, subdivision or component part thereof, or of the persons employing workmen so engaged, the board may declare the same to be an industry to which this act applies.

(2*a*) A similar application may be made by a majority of the workmen of any one person or by such person, whereupon the board may declare the establishment, undertaking, trade or business of such person, or the branch, subdivision or component part thereof affected, to be an industry within the meaning of this act:

Provided, however, That the board shall not give effect to any application made under either this subsection or subsection (2) affecting persons excluded from the provisions of this act by paragraphs (*a*), (*b*), and (*c*) of section 70, nor to any such application affecting persons excluded by paragraph (*e*), except with the consent of the employer.

[Section 20 was amended by Acts of 1928, chapter 38, by striking out subsection (4), and substituting a new subsection (4) and by adding subsections (7), (8) and (9), to read as follows:]

(4) No assessment less than $50 shall be levied in respect of the employments mentioned in classes 1 and 6 of Schedule I hereto, and in all other cases, no assessment shall be less than $5.

(7) Within three days after the granting of any building permit involving an expenditure of over $100 in any municipality, city or town, written notice thereof shall be given to the board by the person whose duty it is to keep a record of such permits.

Province	Employments covered		Insurance	Suits for damages	Special contracts	Injuries covered	Waiting period	Compensation benefits					
	Private	Public						Per cent of wages	Maximum and minimum weekly compensation payments	Maximum period	Death (a) Dependents (b) No dependents	Total disability (a) Permanent (b) Temporary	Par
Alberta. Approved Mar. 5, 1908; in effect, Jan. 1, 1909. New act, Apr. 13, 1918; in effect, Jan. 1, 1919; as last amended, 1928.	*Compulsory*, as to enumerated employments. Exemptions: Certain classes of railroad employees, farm and ranch labor, outworkers, casual employees not in usual course of employer's business, and lliberant employments.	*Compulsory*, as to employments covered.	Employers must contribute to State accident fund.	Not permitted	Waivers forbidden	Personal injuries by accident arising out of and in the course of the employment, unless due solely to serious and willful misconduct except in case of death or serious disability. Enumerated occupational diseases included.	3 days	Disability, 66⅔ per cent.	Death: No limit. Total disability: Minimum, $16 weekly, or actual wages.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $125 widow or invalid widower, $36 monthly; additional payments for each child. (b) Reasonable expenses of last sickness, burial not over $125.	(a) (b) 66⅔ per cent of earnings during continuance, not less than $10 weekly unless wages are less.	66⅔ per cen continuan
British Columbia. Approved June 21, 1902; in effect May 1, 1903. New act, May 31, 1916; in effect Jan. 1, 1917; as last amended, 1925.	*Compulsory*, as to enumerated employments. Exemptions: Farm labor, domestic service, traveling salesmen, outworkers, and casual employees not in usual course of employer's business. *Voluntary*, as to exempted employments.	*Compulsory*, as to employments covered.	Employers must contribute to State accident fund.	Not permitted	Waivers forbidden	Personal injuries by accident arising out of and in course of the employment, unless due solely to serious and willful misconduct, except in case of death or serious and permanent disability. Enumerated occupational diseases included.	3 days; none if disability continues for more than 14 days.	Disability, 62½ per cent.	Death: Monthly pension, maximum $65. Disability: Weekly maximum $25.04; minimum $5, or actual wages.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $100; widow or invalid widower, $35 a month; $7.50 additional for each child; monthly maximum, $65. (b) Burial expenses, maximum, $100.	(a) (b) 62½ per cent of wages during disability; weekly maximum, $24.04, minimum $5, or actual wages.	62½ per cen disability disfigurem
Manitoba. Approved Mar. 16, 1910; in effect Jan. 1, 1911. New act, Mar. 19, 1916. New act, Mar. 27, 1920; in effect Jan. 1, 1921; as last amended, 1925.	*Compulsory*, as to enumerated employments. Exemptions: Farm labor, domestic service, outworkers, nonhazardous clerical occupations, and casual employees not in usual course of employer's business. *Voluntary*, as to exempted employments.	*Compulsory*, as to employments covered.	Employers must contribute to State accident fund.	Not permitted	Waivers forbidden	Personal injuries by accident arising out of and in course of theemployment, unless due solely to serious and willful misconduct except in case of death or serious disability. Enumerated occupational diseases included.	3 days	Disability, 66⅔ per cent.	Death: No limit. Disability: Weekly maximum $25.64, minimum $12.50, or actual wages.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $150; widow or invalid widower, $30 a month; additional payments for each child. (b) Reasonable expenses of last sickness and burial.	(a) (b) 66⅔ per cent of wages during disability; weekly maximum, $25.64, minimum $15 ($12.50 if temporary), or actual wages.	66⅔ per ce disability
New Brunswick. Approved, Apr. 22, 1918; in effect Jan. 1, 1919; as last amended, 1924.	*Compulsory*, as to enumerated employments. Exemptions: Farm labor, domestic service, outworkers, traveling salesmen, nonhazardous clerical occupations, and casual employees not in usual course of employer's business. *Voluntary*, as to exempted employments.	*Compulsory*, as to municipal employees, except members of police and fire departments. *Voluntary*, as to provincial and Crown employees.	Employers must contribute to State accident fund.	Not permitted	Waivers forbidden	Personal injuries by accident arising out of and in course of the employment, unless intentionally self-inflicted, due to intoxication, serious and willful misconduct, or to a fortuitons event unconnected with the industry. Enumerated occupational diseases included.	7 days	Disability, 55 per cent.	Death: Monthly pension, maximum 55 per cent of wages. Disability: Weekly maximum $15.95, minimum $6.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $100; widow or invalid widower, $30 a month; $7.50 additional for each child; monthly maximum not over 55 per cent of wages. (b) Burial expenses, maximum, $100.	(a) (b) 55 per cent of wages during disability; weekly maximum, $15.80; minimum, $6.	If temporar less durin manent. to disabi to be esta not over $
Nova Scotia. Approved, Apr. 22, 1910; in effect Feb. 1, 1911. New act Apr. 23, 1915; in effect Jan. 1, 1917; as last amended, 1928.	*Compulsory*, as to enumerated employments. Exemptions: Outworkers, traveling salesmen, casual employees not in usual course of employer's business. *Voluntary*, as to exempted employments.	*Compulsory*, as to employments covered; members of municipal police and fire departments are excepted.	Employers must contribute to State accident fund. Fishing industry given separate treatment.	Not permitted	Waivers forbidden	Personal injuries by accident arising out of and in course of the employment unless due solely to serious and willful misconduct except in case of death or serious and permanent disability. Enumerated occupational diseases included.	6 days. None if disability continues for more than 6 days.	Disability, 55 per cent.	Death: Monthly pension, maximum $65, but not over 55 per cent of wages. Disability: Weekly maximum $12.69; minimum $6, or actual wages.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $75; widow or invalid widower, $30 a month; $7.50 additional for each child; monthly maximum $60, but not over 55 per cent of wages. (b) Burial expenses, maximum $75.	(a) (b) 55 per cent of wages during disability; weekly maximum, $12.69; minimum $5, or actual wages.	55 per cent ing capac
Ontario. Approved, May 1, 1914; in effect Jan. 1, 1915; as last amended, 1928.	*Compulsory*, as to enumerated employments. Exemptions: Farm labor, domestic service, outworkers, and casual employees not in usual course of employer's business. *Voluntary*, as to exempted employment.	*Compulsory*, as to employments covered.	Employers under Schedule 1 must contribute to State accident fund; employers under Schedule 2 (municipalities, common carriers, etc.) are individually liable, but may be required to insure.	Not permitted	Waivers forbidden	Personal injuries by accident arising out of and in course of the employment, unless due solely to serious and willful misconduct, unless the injury results in death or serious disablement. Enumerated occupational diseases included.	6 days. None if disability continues for more than 6 days.	Disability, 66⅔ per cent.	Death: Monthly pension, not over 66⅔ per cent of wages. Disability: Maximum $25.64, minimum $12.50, or actual wages.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $125; widow or invalid widower, $40 a month; $10 additional for each child; monthly maximum not over 66⅔ per cent of wages; minimum $12.50 per week for widow and one or more children. (b) Reasonable expenses of last sickness and burial.	(a) (b) 66⅔ per cent of wages during disability; weekly maximum, $25.64; minimum, $12.50 or actual wages.	66⅔ per ce earning ability.
Quebec. Approved, May 29, 1909; in effect Jan. 1, 1910. New act, Mar. 24, 1926; in effect Apr. 1, 1927. New act Mar. 22, 1928, in effect Sept. 1, 1928.	*Compulsory*, as to enumerated employments having 7 or more workmen. Exemptions: Farm labor, domestic service, and sailing vessels. *Voluntary*, as to exempted employment.	*Compulsory*, as to employments covered.	Private employers must insure or deposit security.	Not permitted	Waivers forbidden	Accidents by reason of or in the course of their work.	7 days. None if disability continues for more than 6 weeks.	Disability, 66⅔ per cent.	Death: Monthly pension, not over 60 per cent of wages, total maximum $6,000. Disability: Weekly minimum, $6 or actual wages; maximum, $20; maximum for permanent total, $10,008; for permanent partial, $5,000.	Death: During life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $125; consort 30 per cent of wages, 10 per cent additional for each child, total not over 60 per cent. Maximum $20 weekly, total maximum $6,000. (b) Burial expenses, maximum $125.	(a) (b) 66⅔ per cent of wages during disability; weekly maximum, $20; minimum $6, or actual wages; permanent total disability, maximum $10,000.	66⅔ per cent of time fix for each 1 maximum
Yukon Territory. Approved, Apr. 24, 1917.	*Compulsory*, as to all employments except those having less than 5 employees, outworkers, and casual employees not in usual course of employer's business.	*Compulsory*, as to all municipal employees and hazardous territorial employments.	Not required	Permitted in lieu of compensation after injury, if employer was negligent; defenses abrogated.	Waivers forbidden	Personal injuries by accident arising out of and in course of the employment, unless due to intoxication or serious and willful misconduct.	13 days. None if disability continues for more than 13 days.	Temporary total disability, 50 per cent.		Temporary total disability, 6 months.	(a) $2,500. (b) Expenses of last sickness and burial, maximum, $500.	(a) $3,000. (b) 50 per cent of wages during disability but for not over 6 months.	For specif amounts $2,000, or degree of mum. $3,0

[1] Not provided for in compensation law.

TURES OF LAWS OF CANADA RELATING TO WORKMEN'S COMPENSATION AND INSURANCE

imum and minimum ekly compensation yments	Compensation benefits: Maximum period	Death (a) Dependents (b) No dependents	Total disability (a) Permanent (b) Temporary	Partial disability	Medical and surgical aid	Nonresident alien beneficiaries	Time for notice and claim	Administrative system	How compensation claims are settled	Accident reports required	Accident prevention work by— (a) Compensation commission. (b) Other agencies	Province
h: No limit. Total ability: Minimum, weekly, or actual ges.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $125 widow or invalid widower, $35 monthly; additional payments for each child. (b) Reasonable expenses of last sickness, burial not over $125.	(a) (b) 66⅔ per cent of earnings during continuance, not less than $16 weekly unless wages are less.	66⅔ per cent of wage loss during continuance.	Reasonable expenses of last sickness in fatal cases involving no dependents; in other cases employees furnished medical aid from employer's hospital fund or State accident fund to which employees must contribute.	Benefits may be reduced on basis of comparative cost of living.	Notice before leaving the plant, if possible, and in any case before leaving employment; claim in 12 months.	Workmen's compensation board.	Board has exclusive and final jurisdiction over all matters; no appeal to courts.	All employers under compensation act must report all accidents within 24 hours to workmen's compensation board.	(a) Yes. (b) Factory inspector;[1] mine inspector.[1]	Alberta.
h: Monthly pension, ximum $63. Disbility: Weekly maxim $25.05; minimum or actual wages.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $100; widow or invalid widower, $35 a month; $7.50 additional for each child; monthly maximum, $95. (b) Burial expenses, maximum, $400.	(a) (b) 62½ per cent of wages during disability; weekly maximum, $24.04, minimum $5, or actual wages.	62½ per cent of wage loss during disability. Compensation for disfigurement of head or face.	Such medical, surgical, and hospital service, including artificial members, as reasonably necessary; trausportation included; special provision for seamen; employer's hospital fund permitted.	Benefits may be reduced on basis of comparative cost of living.	Notice as soon as practicable; claim in 1 year.	Workmen's compensation board.	Board has exclusive and final jurisdiction over all matters; no appeal to courts.	All employers must report all accidents within 3 days to workmen's compensation board.	(a) Yes. (b) Department of labor;[1] department of mines.[1]	British Columbia.
h: No limit. Disility: Weekly maxim $25.64, minimum .50, or actual wages.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses; maximum, $150; widow or invalid widower, $36 a month; additional payments for each child. (b) Reasonable expenses of last sickness and burial.	(a) (b). 66⅔ per cent of wages during disability; weekly maximum, $25.64, minimum $15 ($12.50 if temporary), or actual wages.	66⅔ per cent of wage loss during disability.	Such medical, surgical, and hospital treatment as board deems reasonably necessary, including artificial members.	Included only if comity exists; benefits to correspond to rate of foreign law.	Notice as soon as practicable, not later than 30 days; claim in 1 year.	Workmen's compensation board.	Board has exclusive and final jurisdiction over all matters; no appeal to courts.	All employers must report all accidents within 3 days to workmen's compensation board.	(a) No provision. (b) Bureau of labor;[1] mine inspector.[1]	Manitoba.
h: Monthly pension, imum 55 per cent of ges. Disability: eekly maximum .86, minimum 86.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $100; widow or invalid widower, $30 a month; $7.50 additional for each child; monthly maximum not over 55 per cent of wages. (b) Burial expenses, maximum, $100.	(a) (b) 55 per cent of wages during disability; weekly maximum, $12.69; minimum $6, or actual wages.	If temporary, 55 per cent of wages during disability. If permanent, amounts proportioned to disability according to scale to be established by board; total not over $2,600.	Such special medical, surgical, and hospital treatment as may be necessary.	Included only if comity exists.	Notice in 14 days; claim in 1 year.	Workmen's compensation board.	Board has jurisdiction over all matters; appeal to supreme court upon questions of law, but only by permission of such court.	All employers under compensation act must report all disabling accidents within 3 days to workmen's compensation board.	(a) No provision. (b) Employers' associations; factory inspector.[1]	New Brunswick.
h: Monthly pension, imum $60, but not 55 per cent of wages. sability: Weekly imum $12.69; minim $5, or actual wages.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $75; widow or invalid widower, $30 a month; $7.50 additional for each child; monthly maximum $60, but not over 55 per cent of wages. (b) Burial expenses, maximum $75.	(a) (b) 55 per cent of wages during disability; weekly maximum, $12.69; minimum $5, or actual wages.	55 per cent of impairment of earning capacity during disability.	Reasonable medical, surgical, and hospital service *for 30 days* in compensable injury cases; approved establishment benefit schemes permitted; special provision for seamen.	Included only if comity exists; benefits to correspond to rate of foreign law.	Claim in 1 year.	Workmen's compensation board.	Board has jurisdiction over all matters; appeal to supreme court upon questions of law, but only by permission of such court.	All employers under compensation act must report all disabling accidents within 3 days to workmen's compensation board.	(a) No provision. (b) Employers' associations; department of public works and mines.[1]	Nova Scotia.
h: Monthly pension, over 66⅔ per cent wages. Disability: ximum $25.64, minim $12.50, or actual ges.	Death, during life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $125; widow or invalid widower, $40 a month; $10 additional for each child; monthly maximum not over 66⅔ per cent of wages; minimum $12.50 per week for widow and one or more children. (b) Reasonable expenses of last sickness and burial.	(a) (b) 66⅔ per cent of wages during disability; weekly maximum, $25.64; minimum, $12.50 or actual wages.	66⅔ per cent of impairment of earning capacity during disability.	Necessary medical, surgical, and hospital service, including artificial members and transportation; approved establishment benefit schemes permitted.	Included only if comity exists; benefits to correspond to rate of foreign law.	Notice as soon as practicable and before leaving employment; claim in 6 months.	Workmen's compensation board.	Board has exclusive and final jurisdiction over all matters; employers individually liable may make direct settlements with employees with approval of board; no appeal to courts.	All employers must report all accidents which cause disability or necessitate medical aid within 5 days to workmen's compensation board.	(a) Board may inspect for compliance with safety laws. (b) Employer's association; department of public works;[1] bureau of mines.[1]	Ontario.
h: Monthly pension, over 60 per cent of ges, total maximum 00. Disability: ekly minimum, $6 actual wages; maxim, $20; maximum permanent total, ,000; for permanent tial, $5,000.	Death: During life or until remarriage of widow. Disability, during its continuance.	(a) Burial expenses, maximum, $125; consort 30 per cent of wages, 10 per cent additional for each child, total not over 60 per cent. Maximum $20 weekly, total maximum $6,000. (b) Burial expenses, maximum $125.	(a) (b) 66⅔ per cent of wages during disability; weekly maximum, $20; minimum $6, or actual wages; permanent total disability, maximum $10,000.	66⅔ per cent of wages for the period of time fixed, on a basis of 4 weeks for each 1 per cent of incapacity; maximum, $5,000.	Medical, surgical, and hospital services, including transportation and necessary appliances.	No provision	Notice in 10 days; claim in 1 year.	Workmen's compensation commission.	Voluntary agreements between parties must have the sanction of the workmen's compensation commission. Disputed cases settled by commission. No appeal to the courts.	All employers other than the Province must report all accidents disabling for more than 7 days to the workmen's compensation commission within 15 days.	(a) Workmen's compensation commission. (b) Department of public works and labor;[1] mine inspector.[1]	Quebec.
	Temporary total disability, 6 months.	(a) $2,500. (b) Expenses of last sickness and burial, maximum, $300.	(a) $3,000. (b) 50 per cent of wages during disability but for not over 6 months.	For specified injuries, fixed amounts ranging from $150 to $2,000, others proportioned to degree of total disability; maximum, $3,000.	No provision	Included only if comity exists; benefits to correspond to rate of foreign law.	Notice as soon as practicable; claim in 6 months.	Courts	Voluntary agreement between parties; disputed cases settled by courts.	No provision	(a) No commission. (b) Mine inspector.[1]	Yukon Territory.

mpensation law.

(8) Any such person shall be liable upon summary conviction to a fine of $20 for each contravention of the provisions of the preceding subsection.

(9) The holder of any such permit shall be an employer within the meaning of this act, and this act shall apply to the employment of other persons by such holder.

[Section 25 was struck out by chapter 44, Acts of 1927, and a new section substituted as follows:]

25. (1) Where default is made in the payment of any assessment or any special assessment or any part thereof, the board may issue its certificate stating that the assessment was made, the amount remaining unpaid on account of it, and the person by whom it was payable, and directing the payment of such amount by such person, and such certificate or a copy of it, certified by the secretary under the seal of the board to be a true copy, may be filed with the clerk of the Supreme Court or the clerk of the district court of any district and when so filed shall become an order of the court, and shall be enforced as a judgment of the court.

(2) The board shall have the like power and be entitled to the like remedies of enforcing payment of any sum (other than an assessment) which any employer is required to pay to the board under any of the provisions of this act, as it possesses or is entitled to in respect of assessments.

[Section 34 was amended by Acts of 1928, chapter 38, by striking out subsections (1*a*) and (6), and substituting the following:]

(1*a*) When a workman is frostbitten under circumstances arising out of or in the course of his employment, such occurrence shall be deemed to be an accident within the meaning of this act.

(6) No compensation shall be payable in respect of the first three days of disablement.

[Section 35 was repealed by Acts of 1928, chapter 38.

[Section 37 was struck out by Acts of 1928, chapter 38, and a new section substituted as follows:]

37. (1) Where an accident which would entitle the workman or his dependents to compensation under this act, if it had happened in the Province, happens while he is employed elsewhere than in the Province, the workman or his dependent shall be entitled to compensation under this act, if the workman is a resident of the Province and the nature of the employment is such that in the course of the work or service which the workman performs, it is required to be performed both within and without the Province.

(2) Where an accident which would entitle the workman or his dependents to compensation under this act, if it had happened in the Province, happens while he is employed in a State or Province where there is no system of State insurance, similar to that effected by this act, then such injured workman shall be entitled to compensation under this act, if the place or chief place of business of the employer is situate in the Province, and the residence or usual place of employment of the workman is in the Province and his employment out of the Province has immediately followed his employment by the same employer within the Province, and has lasted less than six months.

(3) If any workman entitled to compensation, under the provisions of this section has any right of action in respect to his injuries, he shall assign all compensation or damages to be recovered thereunder to the board.

(4) In the event of the board directing any such injured workman to take any such action, the workman shall commence and prosecute the action with diligence, and in the event of his not so doing, the board may refuse to pay any compensation or may withhold any part of the compensation otherwise payable:

Provided, That in the event of any such injured workman taking any such action, save upon the direction of the board, he shall forfeit all claim to compensation or to further compensation, as the case may be.

(5) Except as provided by subsections (1) and (2) of this section, no compensation shall be payable under this act, where the accident to the workman happens elsewhere than in the Province.

(6) The board shall, in computing the levy upon any employer, make such allowances in respect of assessments paid by that employer to any extra-provincial authority or in respect of damages or compensation paid by him, as may be fair and just, taking all the circumstances of the case into consideration.

[Section 38 was amended by Acts of 1928, chapter 38, by adding a new subsection 38a, to read as follows:]

38*a*. (1) Where an accident happens to a workman in the course of his employment under such circumstances as would ordinarily entitle him or his dependents to take an action against some person other than his employer, the workman or his dependents, if entitled to compensation under this act, shall not be entitled to bring such action, but the board shall be entitled to bring the said action, and for the purpose of such action shall represent the said workman and shall be entitled by way of subrogation, to the damages, compensation and other rights and remedies to which the workman would be entitled if he had taken the action personally.

(2) Where the workman is injured through the negligence of an employer other than his employer or through the negligence of a workman of such first-mentioned employer, the board may direct that the compensation shall be charged against the class to which such first mentioned employer belongs.

[Section 39 was amended by Acts of 1928, chapter 38, by striking out subsection (1) and substituting the following:]

(1) When a workman to whom compensation is payable leaves the Province of Alberta, he shall not thereafter be entitled to receive compensation, unless permission to leave the Province is first granted by the board:

Provided, however, That if the medical referee certifies that the disability resulting from the injury is likely to be of a permanent nature, and the board so directs, the workman shall be entitled to the amount of periodical payments accruing due while a resident without the Province, if he proves in such manner as may be prescribed, his identity and the continuance of the disability in respect of which the same is payable.

[Section 43 was amended by acts of 1928, chapter 38, by adding two subsections, (3) and (4), to read as follows:]

(3) The lieutenant governor in council may at any time appoint from the medical staff of the University of Alberta, an advisory board to whom the board may refer such cases for examination as it sees fit.

(4) Upon any such reference being made, the advisory board shall upon written request of the workman or his employer, give an opportunity to him of appearing before it in person.

[Section 44 was amended by Acts of 1928, chapter 38, by adding a new subsection, 44(a) to read as follows:]

44*a*. (1) No compensation shall be payable in respect of hernia, unless—

(*a*) It is clinical hernia of a disabling character, and of recent primary demonstrability; and

(*b*) The onset thereof can be shown to have been immediately preceded by a strain or other accident; and

(*c*) It can be shown that at the time of the occurrence of the strain or other accident, the workman immediately reported his condition to his employer or ceased work at the time and reported within 24 hours of so ceasing work.

(2) If the workman does not submit himself to be operated on for radical cure within two weeks of the occurrence, compensation shall cease to be payable upon the expiry of such two weeks.

(3) Then the period of disability shall be deemed to cease upon the expiry of 42 days from the day of any such operation:

Provided, however, That the said period of 42 days may be extended by the board, if satisfied that complications have arisen from the operation.

[Section 45 was amended by Acts of 1928, chapter 38, by adding two subsections, (3) and (4), to read as follows:]

(3) With a view to providing for the retraining of workmen who have been permanently disabled, and otherwise removing any handicap resulting from their injuries, the board may take such measures and make such expenditures as it may, in its discretion, deem necessary or expedient, and the expense thereof shall be borne out of the accident fund, and may be collected in the same manner as moneys required to pay compensation or expenses of administration:

"*Provided*, That the total expenditure under the provisions of this section shall not exceed $20,000 in any calendar year.

(4) Whenever the board is satisfied that the earning capacity of any workman assisted under the provisions of the preceding subsection, has been increased to an appreciable degree by reason of such assistance, it shall have power to make a corresponding reduction in the amount of compensation payable to him.

[Section 46 was amended by Acts of 1928, chapter 38, by inserting after the words "at request of the workman" the following words, "or employer."

[Section 49 was amended by chapter 44, Acts of 1927, by adding after subsection (1) the following:]

(1a) Where in the opinion of the board, the furnishing of further or better education to a child approaching the age of 16 years appears advisable, the board in its discretion may extend the period during which compensation shall be paid in respect of such child for such additional period as is spent by such child in the furthering or bettering of his education, but in no case, beyond the age of 18 years.

[Section 49, subsection (1) (*a*), was amended by Acts of 1928, chapter 38, by striking out $100 and inserting $125 as the maximum allowance for expenses of burial; and by adding a new subsection, (*f*) to read as follows:]

(*f*) Where the dependents are aliens residing outside of the Dominion of Canada, and entitled to compensation under clause (*a*), (*b*), (*c*), (*d*), or (*e*) of this subsection, the board may, in lieu of awarding such dependents compensation on the scale provided by clause (*a*), (*b*), (*c*), (*d*), or (*e*), award such lesser sum by way of compensation as, according to the conditions and cost of living in the place of residence of such dependents, will in the opinion of the board, maintain them in a like degree of comfort as dependents of the same class residing in the Dominion and receiving the full compensation authorized by this act would enjoy.

[Section 52, subsection (1) (permanent total disability) was amended by Acts of 1928, chapter 38, by striking out 62½ per cent and substituting 66⅔ per cent as the percentage of earnings allowed.

[Section 53, subsection (1) (permanent partial disability) was amended by Acts of 1928, chapter 38, by striking out 62½ per cent and substituting 66⅔ per cent as the percentage of earnings allowed.

[Section 53, subsection (3), was amended by chapter 44, Acts of 1927, by striking out subsection (3) and inserting the following:]

(3) Notwithstanding the provisions of this section, the board may in case a workman is or has been at any time since the last day of June, 1921, seriously and permanently disfigured about the face or head, or otherwise permanently injured, recognize an impairment of earning capacity, and may as from the first day of April, 1927, allow lump sums or periodical payments or both, as compensation.

[Section 55 was (temporary partial disability) amended by Acts of 1928, chapter 38, by striking out 62½ per cent and substituting 66⅔ per cent as the percentage of earnings allowed.

[Section 56 was amended by striking out subsection (1) and substituting the following:]

(1) In ascertaining the average weekly earnings of a workman for the purpose of this act, the board shall take into consideration the actual earnings of the workman during the previous 12 months, where the same are ascertainable, and where the same are not ascertainable the board may take into consideration any number of weeks during which the workman has been employed by any employer previous to the happening of the accident. For the purpose of this section, the word "employer" is used in the ordinary sense and shall not be limited to the definition contained in this act.

[Section 56, subsection (5), was amended by chapter 44, Acts of 1927, by increasing the maximum yearly payment, from $1,140 to $1,250, but in 1928 by chapter 38 this subsection was stricken from the act.

[Section 56, subsection (6), was amended by Acts of 1928, chapter 38, by striking out "53 and 55" and substituting "52 to 55, inclusive."

[Section 60 was amended by Acts of 1928, chapter 38, by striking out subsection (6) and substituting the following:]

(6) When the board provides, or is liable to pay for, medical and surgical attention, including nursing, hospitalization, drugs, dressings, X ray, special treatments, transportation, and the several matters and things which the board is empowered by this act to provide for injured workmen, the amount payable to any person in respect of such medical and surgical attention shall be fixed by the board and no action shall lie against the board in respect of any amount greater than that fixed by it, nor in any event against the injured workman, his employer, or any other person in respect of such medical and surgical attention.

(6*a*) The board shall have power to make a per diem subsistence allowance to any injured workman, when he is under its direction, undergoing treatment at a place other than that in which he resides, but such subsistence allowance shall not be greater than $2.50, or less than $1.50.

[Section 66, subsection (1), was amended by Acts of 1928, chapter 38, by striking out the words "exceeding $500," and substituting the words "less than $5"; and subsection (2) by striking out "$25" and substituting the words "not less than $5."

[Section 69 was amended by Acts of 1928, chapter 38, by adding subsection (2), to read as follows:]

(2) Upon the direction of the lieutenant governor in council, restaurants and retail shops, or either of such classes of employment shall be added to Schedule II of this act, and, upon such addition being made, the board shall have power to define "restaurant" or "retail shop" and to decide whether any establishment is or is not a restaurant or retail shop within the meaning of such definition.

[Section 70 was amended by Acts of 1928, chapter 38, by striking out paragraph (*d*) and inserting the following provision:]

Provided, however, That the repeal effected by this section shall not become operative until after 60 days from the assenting to of this bill: *Provided further,* That such exemption shall continue to any class of workmen whose organization shall, in the aforesaid 60 days, have filed with the government an application for a ballot being taken within four months from date of application being filed among the members of the organization making such application: *And further provided,* That upon it appearing that a majority of those voting are in favor of being brought under the provisions of this act, such class shall be brought within the act by proclamation.

[Schedule II was amended by Acts of 1928, chapter 38, by adding "hotels and commercial greenhouses" to the list.]

[The enumeration of industrial diseases at the end of the schedule to the act is repealed and the following is substituted:]

ENUMERATION OF INDUSTRIAL DISEASES

Description of disease	Description of process
Anthrax	Handling of wool, hair, bristles, hides, and skins.
Glanders	Care of equine animals suffering from glanders; handling of carcasses of such animals.
Lead poisoning or its sequelæ	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelæ	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its sequelæ	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelæ	Any process involving the use of arsenic or its preparations or compounds.
Infection or inflammation of the skin or contact surfaces due to oils, cutting compounds, or lubricants, dust, liquids, fumes, gases, or vapors.	Any industrial process involving the handling or use of oils, cutting compounds, or lubricants, or involving contact with dust, liquids, fumes, gases, or vapors.
Pneumoconiosis, which shall be deemed to be— Silicosis. Siderosis. Lithosis.	Quarrying, cutting, crushing, grinding, or polishing of stone, or grinding or polishing of metal; mining.
Poisoning by benzol or by nitro and amido derivatives of benzol, anilin, and others.	Any industrial process involving the use of benzol or a nitro or anilin derivative of benzol or its preparations or compounds.
Subcutaneous cellulitis of the hand (beat hand).	Mining or other industries which require continued use of hand tools.

BRITISH COLUMBIA

[The Workmen's Compensation Board of British Columbia is charged with the administration of the old age pension act by chapter 50, Acts of 1927.]

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NOVA SCOTIA

[The compensation law of 1915 (R. S. 1923, ch. 129) of this Province was amended by Acts of 1927, chapters 37 and 38, and Acts of 1928, chapters 42 and 43. Chapter 6 of the Acts of 1927 provided for the same rates of assessment of the fishing industry and the lumbering industry for the year 1927 as existed in 1926 and was of temporary value. The changes are indicated below.

[Section 2 was amended by Acts of 1928, chapter 42, by adding a new subsection (*r*) to read as follows:]

(*r*) "Navigation" shall include all kinds of operations carried on by means of a ship as defined by the Canada shipping act.

[Section 3 was amended by Acts of 1928, chapter 42, by striking out the word "fishing" in the sixth line.

[Section 4, subsection 1, was amended by Acts of 1928, chapter 42, by correcting a typographical error in the statutes of 1923, by striking out the word "without" and substituting the word "within" in the fourth line. In Bulletin 423 (p. 639), section 4 is printed as corrected.

[Section 6 was amended by Acts of 1928, chapter 42, by adding a new subsection, (4), to read as follows:]

(4) When a workman is found dead in the underground workings of a coal mine at a place where the workman had a right in the course of his employment to be, it shall be presumed that his death was the result of personal injury by accident arising out of and in the course of his employment, unless there be evidence of witnesses present at the time of death which is sufficient to rebut such presumption. This amendment shall take effect retroactively as of the 1st of January, 1926, and any person claiming compensation under this amendment with respect to an accident which occurred more than six months before the passing of this amendment shall have six months from the passing of this amendment in which to make such claim and to establish his right to compensation.

[Section 7, subsection (2) (*b*), was amended by Acts of 1928, chapter 42, by striking out the words "and fishing" in the second line and also by striking out the following words in the tenth and eleventh lines, "or to the making of fishing trips or voyages from ports or places in Nova Scotia."

[Section 9 was repealed in its entirety by Acts of 1928, chapter 42.

[Section 10 was amended by Acts of 1927, chapter 37, by adding the following at the end of the section: "*Provided*, That in case of a widow who being a resident of Nova Scotia, has become entitled to compensation payments under this chapter, such payments shall not be forfeited or reduced merely by reason of absence of said widow from the Province of Nova Scotia."

[Section 18 was amended by chapter 38, Acts of 1927, by adding a new subsection, (14), to read as follows:]

(14) To aid in getting injured workmen back to work and to insist in lessening or removing any handicap resulting from their injuries, the board may take such measures and make such expenditures as it may in its discretion deem necessary or expedient, and the expense thereof shall be borne out of the accident fund and may be collected in the same manner as moneys required to pay compensation or expenses of administration: *Provided*, That the total expenditure under the provisions of this section shall not exceed $20,000 in any calendar year.

[Section 23 was amended by Acts of 1928, chapter 42, to read as follows:]

23. (1) Each commissioner holding office at the time of the enactment of this section shall hold office during pleasure.

(2) Each commissioner appointed after the enactment of this section shall, subject to the provisions of section 24, hold office for a period of 10 years from the date of his appointment, but may be removed at any time by the governor-in-council for cause.

(3) A commissioner on the expiration of his term of office shall, if he has not attained the age of 75 years, be eligible for reappointment.

[Section 49 was amended by Acts of 1927, chapter 38, by adding the following:]

(4) Where the board is of opinion that the disability may be lessened to some appreciable extent by the supplying of an artificial member or members or of any apparatus, it may supply same to the workman and the cost thereof shall be defrayed out of the accident fund, and shall keep any artificial member or apparatus so supplied in repair for a period of one year. This section shall not apply to the renewal of an artificial member or members.

[Section 66 was amended by Acts of 1928, chapter 43, by adding thereto the following:]

(2) If an employer dies intestate and no written notice be given to the board within three months after the death of the employer that administration of his estate has been granted, the board may pay to the widow of the deceased employer any money that otherwise would be payable to the employer, provided such amount be less than $100, and if there be no widow such amount may be paid to any member of the family.

[Section 71 was amended by Acts of 1928, chapter 42, by adding the following:]

Notwithstanding anything contained in any other act, or in any amendment that may be made to any other act, all judgments that may be entered by virtue of this section may be entered in the supreme court and enforced as a judgment of the supreme court, although the amount be less than $100. It is declared that such was the effect of this section from the date the act came into effect.

[Chapter 42 of the Acts of 1928 amends the schedule contained in Part II by inserting in the first column the word "frostbite" and by inserting in the second column opposite the word "frostbite" the following words: "any outdoor work."

[Acts of 1928, chapter 42, adds Part III, which provides for a method by which losses in the fishing industry might be sustained outside of the workmen's compensation act. Part III (secs. 91 to 120) as added, is here reproduced in its entirety.]

PART III

91. Every contract entered into in Nova Scotia whereby the relationship of employer and workman, as defined by this act, arises in an industry to which this section is made to apply by virtue of section 92 hereof, and whereby the workman agrees to perform or by virtue of which he does perform any work or services both within and without Nova Scotia shall be deemed to include and be subject to the following covenant on the part of the employer with the workman, which shall bind the employer, his heirs, executors, administrators, successors, and assigns, as fully and as effectually as if executed in writing and under seal by the employer, viz:

Employer's covenant with workman

Subject to the provisions of section 91 of the workmen's compensation act the employer, for valuable consideration and as a condition of the workman's consent to perform or of his performing work or services both within and without Nova Scotia, covenants with the workman and his dependents as defined by said compensation act, that in the event of an accident happening to such workman, or of his suffering from an industrial disease mentioned in the schedule in said act while so employed, the workman, or in case of his death his dependents, shall be entitled to compensation upon the same scale, and in like manner and under like circumstances, as would be payable under Part I of said act if the industry were within the scope of Part I.

92. The foregoing section shall apply to the industry of fishing, and any other industry carried on by means of a fishing vessel or vessel usually employed or intended to be employed in fishing, or partly in fishing and partly in other forms of navigation, and all work incidental thereto, and then only to the work or services performed or to be performed by a workman as an officer or member of the crew of a ship registered in Nova Scotia or operated by an employer residing or having a place of business in Nova Scotia, and for the period that the operations of the vessel are carried on within Nova Scotia or confined to the making of voyages or trips between places in Nova Scotia, New Brunswick, Prince Edward Island, or Newfoundland, or to the making

of fishing trips or voyages from ports or places in Nova Scotia. Any industry within the scope of section 91 shall not be within the scope of section 7.

93. The employer in an industry within the scope of this part shall secure the payments for which he is liable by insuring and keeping same insured to the extent of his liability with some reliable insurance carrier or underwriter.

94. Such workman or his dependents, as the case may be, shall be entitled to recover compensation from such employer, and such employer shall be liable for the payment of compensation to such workman or his dependents as provided by said statutory covenant of the employer and the provisions of this part.

95. Notwithstanding anything contained in the insurance policy or contract, any workman or dependent entitled to compensation under this part may enforce payment against the insurance carrier by making such carrier a party to any proceeding commenced against the employer, and the insurance carrier shall be equally liable with the employer for the payment of such compensation: *Provided, however*, That payment in whole or in part by either employer or the insurance carrier shall to the extent thereof be a bar to the recovery against the other of the amount so paid, and the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions or awards made against the employer in any proceeding to which the insurance carrier has been made a party.

96. In respect to the industry of fishing, a person who becomes a member of the crew of a fishing vessel referred to in Section 92 under an agreement to prosecute a fishing voyage or voyages in the capacity of a sharesman, or who is described in the shipping articles as a sharesman, or who agrees to accept in payment for his services any share or portion of the proceeds or profits of the venture, with or without other remuneration, shall be considered and deemed to be a workman within the meaning of this part.

97. The owners of or persons operating such ship shall be deemed to be employers within the meaning of this part.

98. A member of the crew of such ship, who is remunerated for his services in the manner mentioned in section (96) hereof, shall, in case of accident where the compensation payable depends upon the earnings or average earnings of such workman, be deemed to earn wages at the rate of $780 a year.

99. Notwithstanding anything contained in this part in the event of an accident involving injuries or loss of life to the whole or any members of crew of a vessel to which section 91 applies, the limit of liability for the payment of compensation with respect to all claims of members of the crew injured and of all claims of dependents of members of the crew whose deaths were caused by such accident shall not exceed $50,000, exclusive of costs and expenses, and if the payment of compensation would exceed such limit the compensation that otherwise would be payable to each person shall be reduced proportionately.

100. (*a*) If the employer has reason to believe that the claims arising from an accident may exceed the aggregate of $50,000 referred to in section (99) hereof, he may give notice in writing to each person entitled to make a claim, or he may publish a notice in a newspaper published in the county in which the employer or managing owner of the vessel resides, and also in two morning papers published in Halifax, by at least one insertion each week for four consecutive weeks, requiring all persons having claims arising out of such accident to send a written notice of such claim to the employer at an address and before a date to be stated in the notice or in the advertisement, which date shall not be less than three months nor more than four months after the service of such notice or the first publication of such advertisement.

(*b*) A workman making a claim for disability shall state the nature of the accident, his disability, his age and address, and every dependent making a claim shall state his or her address, age and relationship to the deceased workman. In the case of a child a claim may be made on behalf of such child by a parent or by any other person. The employer shall notify the agent in Nova Scotia of the insurance carrier or the broker through whom the insurance was effected, of each claim received, and if the employer or insurance carrier disputes the right of any claimant to compensation the employer or insurance carrier shall give notice to that effect to the claimant within 30 days after the claim was received by the employer, and such notice shall give the name of the insurance carrier with whom the employer has insured his liability. If the employer or insurance carrier fails to do so the right of the claimant to compensation, but not the amount thereof, shall be admitted.

(*c*) Within 10 days after the expiration of the time limited to admit or contest the right of the last claimant to compensation the employer shall apply to the judge of the county court for the district in which the employer or the managing owner resides by a chambers summons, which may be the first step in the proceedings, fixing a time for the hearing of all such claims, and a notice of the time so fixed shall be served by the employer upon every claimant whose right to make a claim has been admitted or contested, and in the case of a child such notice shall be served upon the person making the claim on behalf of such child. Such notice may be served personally or may be served by the mailing of a registered letter addressed to the person entitled to such notice. Such notice shall be served at least 10 days before the date fixed for the hearing. On such hearing such judge shall have jurisdiction to determine whether or not any claimant whose claim has been contested is entitled to compensation, and the amount of compensation that any claimant is entitled to, and any other question that may arise, and if the aggregate of the compensation that would be payable, including the capitalized value of periodical payments and estimates where estimates may be made, is greater than $50,000, each claim shall be reduced proportionately so that the aggregate shall be $50,000. No costs shall be awarded to or against any claimant or the employer in connection with such hearing, provided the amount so awarded be paid as hereinafter provided within 40 days after the date of the award. If not so paid any person entitled to compensation may obtain a chambers summons from the judge of the county court who made the award requiring the employer and the insurance carrier to show cause why judgment should not be entered in favor of the claimant for the compensation awarded including the capitalized value of the compensation payable periodically and if at such hearing it be shown that the amount has not been paid, an order for judgment shall be granted, which may include such amount and all costs of the claimant prior to and after the making of the award.

(*d*) Where it is found that the aggregate of the claims will exceed $50,000, the judge, before he has finally fixed the proportionate amount that each claimant is entitled to, may, upon such terms as he sees fit, allow any claimant who failed to comply with the provisions of this section, to appear before the judge to prove his right to compensation and to have the amount to which he is entitled, if any, determined by the judge, and thereafter such claimant shall have the same rights and remedies as if he had complied with all the provisions of this part.

101. In all cases where it is reasonable to believe that the total compensation payable as the result of any accident will not exceed $50,000, a claimant shall give to the employer notice of the nature of his claim, his age and address, which notice may be given by registered letter addressed to the "owners" of the vessel at its port of registry, or to the managing owner. The claimant may, after the expiration of 30 days from the giving of such notice, and the employer may either before or after such period, apply to the county court judge for the district in which the employer or managing owner resides, by a chambers summons, to have the right of the claimant to compensation, the amount of compensation he may be entitled to, and any other questions that may arise, determined. The insurance carrier shall be made a party to such proceeding.

102. The county court judge referred to in this part shall have jurisdiction to decide all questions that may arise between a claimant and the employer or insurance company, irrespective of the amount involved, and his decision shall be final and there shall be no appeal and no right of appeal therefrom.

103. The judge shall have the right to submit his findings to the workmen's compensation board to ascertain the amount that would be allowed if the industry were under Part I at the time of the accident, and the certificate of the said board may be acted upon by the judge.

104. In every case where the judge finds that a claimant is entitled to periodical payments of compensation for life or for any definite period the judge shall obtain from the workmen's compensation board a certificate stating the present or capitalized value of the periodical compensation payments with interest computed at the rate of 3½ per cent per annum, which the board shall make up in accordance with the practice of the board, and such amount shall be included in the order against the employer and the insurance company, if a party to the proceedings.

105. Where such periodical payments referred to in section 104 are ordered the capitalized value thereof as set forth in the order, with interest at 5 per cent

from the date of the order, shall be paid by the employer or insurance carrier to the workmen's compensation board, and thereafter all such periodical payments shall be made by the board, and upon payment of such amount to the board, the employer or insurance company shall be taken to have satisfied the award or judgment to the extent of the money so paid. If the employer or insurance carrier fail to pay such amount to the said board the claimant in whose favor the award has been made shall be entitled to enforce the order by judgment and execution or by a mandamus or other order. If the amount of such capitalized value be obtained by execution the sheriff shall pay same, together with any interest on such amount from the date the order was made, to the workmen's compensation board, and any surplus shall be payable to the execution creditor. If the full amount of such capitalized value and interest thereon be not paid to the workmen's compensation board either by the employer, the insurance carrier or by the sheriff, the amount of the periodical payment may be proportionately reduced, and the board shall not be liable for any payments except in so far as it has received funds for that purpose. The moneys so received by the board shall be transferred to the pension reserve account of the board and shall be dealt with the same as if the amount so received were the capitalized value of an award made under Part I. Notwithstanding anything contained in any award or order of the county court judge, when moneys have been paid to the board for the purpose of making payments of compensation, the board shall have the same powers and authority with regard to such payments that it has with respect to cases within the scope of Part I, including the commutation of payments, the making of advances, and the withholding or suspending of payments.

106. Any summons or notice shall be deemed to be properly served upon the insurance carrier when served upon the agent or broker in Nova Scotia through whom the employer obtained the insurance. Any notice other than a chambers summons may be served by mailing such notice in a registered letter addressed to the party to be served, and shall be deemed to be served the fourth day after the mailing of such notice.

107. A dependent unless domiciled in Nova Scotia at the time of the accident causing the death of a workman, shall not be entitled to any compensation under this part.

108. A workman, unless domiciled in Nova Scotia, who meets with an accident causing temporary disability shall be entitled to compensation only while remaining in Nova Scotia, but should he leave Nova Scotia, whether temporarily or otherwise, he shall not be entitled to any further compensation, but should such workman sustain permanent partial disability or permanent total disability such workman shall be entitled to one-half the compensation that he would be entitled to if domiciled in Nova Scotia.

109. The word "compensation" as used in this part shall not include burial expenses, medical aid of any kind, artificial appliances, the right to rehabilitation, nor any benefit mentioned in Part I except compensation payments referred to in Part I.

110. An employer required under this part to insure his liability shall upon the request of any workman of such employer, or upon the request of the attorney general, state whether or not he has obtained such insurance, and failure to do so, or failure to obtain such insurance, shall make him liable at the suit of such workman or of the attorney general to be restrained by injunction from carrying on or continuing such industry until he obtains such insurance.

111. Except as provided in this part, section 17 shall be applicable to claims arising under this part, substituting however, the words "the said county court judge" for the word "board," and the words "Part III" in place of the word "part" wherever same occur in said section 17.

112. Sections 11, 12, 13, 14, 15, and 16 shall apply to employers and workmen and their dependents who are within the scope of this part, but in such application the word "part" therein used shall refer to Part III, "board" shall be changed to "the county court judge," and "chapter" shall be changed to "Part III."

113. For the purpose of determining all questions that may arise in proceedings brought under this part before the county court judge, he shall have powers similar to those conferred upon the board with respect to cases within the scope of Part I, except in so far as the same are at variance with the provisions of this part, and during the period of temporary total, temporary partial, or permanent partial disability he may review any case from time to time and

as often as may be necessary to determine the amount of compensation which should be paid to any workman, and the period for which same should be paid. Where it is necessary to determine whether or not the aggregate of all claims will exceed $50,000, the judge shall make the best estimate he can to cover any cases of temporary total, temporary partial, or permanent partial disability, or the degree of any disability and the likely duration thereof. If the aggregate of all compensation payable exceeds the limit of $50,000, the amount found by such estimate, when proportionately reduced, shall form the basis for the award in such cases, and when incorporated in the final order shall not be subject to review.

114. Except where the aggregate of compensation payable may exceed the limit mentioned, compensation for temporary total disability or for temporary partial disability may be paid by the employer or the insurance carrier to the workman without bringing the case before the county court judge, but if any dispute should arise either party may apply to such judge, and no agreement of the workman to accept less than he may be found entitled to shall be binding upon him.

115. All contracts of insurance covering liability of an employer under this part shall be deemed to be made in Nova Scotia and shall be deemed to cover the entire liability of the employer under this part, including all costs and expenses he may be obliged to pay and any term or condition in the contract to the contrary shall be invalid.

116. "Accident" wherever it appears in this part shall be deemed to include disability arising from any of the industrial diseases mentioned in the schedule to this act.

117. Any of the provisions of this part relating to the procedure for obtaining compensation, the method of determining the amount of compensation, and the manner of enforcing payment, may be changed or added to by order of the governor-in-council, and such order shall have the same effect as an act of the legislature.

118. The employer or insurance carrier shall be at liberty to make provisional payments, or the judge may order provisional payments to be made pending the final determination of the amount of compensation any claimant may be entitled to, and all such payments shall be taken into consideration by the judge when making the final order.

119. Members of the crew who charter, or otherwise obtain the use of a vessel from its owners, and who operate such vessel as partners shall not be deemed to be workmen, and as to them or any person hired by them, the owners shall not be deemed to be employers, within the meaning of this part.

120. The time limited for giving any notice or for doing any act may be extended by the said judge where he is satisfied that some injustice would otherwise be done.

ONTARIO

[The workmen's compensation act of this Province (Acts of 1914, ch. 25) was amended by Acts of 1927, chapter 46, and Acts of 1928, chapter 26. The changes are indicated below.

[Sec. 1, subsection 1(b) (R. S. 1927, ch. 179), was amended by chapter 26, Acts of 1928, by adding thereto the following words "and for the payment of the salaries of the commissioners."

[Section 6, subsections 1 and 2 (as later amended), was repealed by chapter 46, Acts of 1927, and the following subsections substituted:]

6. *Accidents outside Province.*—(1) Where the place of business or chief place of business of the employer is situated in Ontario and the residence and usual place of employment of the workman are in Ontario and an accident happens while the workman is employed out of Ontario and his employment out of Ontario has lasted less than six months, the workman or his dependents shall be entitled to compensation under this part in the same manner and to the same extent as if the accident had happened in Ontario.

(1a) Where the place of business or chief place of business of the employer is situate in Ontario and the residence of the workman is out of Ontario but his usual and principal place of employment is in Ontario and an accident happens while the workman is out of Ontario merely for some temporary purpose connected with his employment, the workman or his dependents shall be entitled to compensation under this part in the same manner and to the same extent as if the accident had happened in Ontario.

(2) Where an accident happens out of Ontario and the employer's place of business or chief place of business is situate out of Ontario and the workman is entitled to compensation under the law of the place where the accident happens, the compensation shall not be payable to the workman or his dependents whether he is resident within or without Ontario unless his place of employment is within Ontario and he is at the time of the accident out of Ontario merely for some casual or incidental purpose connected with his employment.

(2*a*) Where an accident happens out of Ontario on a steamboat, ship, or vessel or on a railway and the workman is a resident of Ontario and the work or service rendered by him is required to be performed both within and without Ontario, the workman or his dependents shall be entitled to compensation under this part as if the accident had happened in Ontario.

(2*b*) Except as provided in this section no compensation shall be payable under this part where the accident to the workman happens while he is employed elsewhere than in Ontario.

[Section 9, subsection 3, was amended by chapter 46, Acts of 1927, by inserting after the word "names" in the sixth line the words "or in the name of the board."

[Section 47 (R. S. 1927, ch. 179) was amended by chapter 26, Acts of 1928, by adding the following section, 47*a*, which reads as follows:]

47*a*. Where a workman is entitled to compensation and it is made to appear to the board (*a*) that such workman is no longer residing in Ontario but that his wife or child or children under 16 years of age are still residing therein without adequate means of support and are, or are apt to become, a charge upon the municipality where they reside or upon private charity; or (*b*) that the workman although still residing in Ontario is not supporting his wife and children as aforesaid and an order has been made against such workman by a court of competent jurisdiction for the support or maintenance of such wife or family, or for alimony, the board may divert such compensation in whole or in part from such workman for the benefit of the wife or children of the said workman.

[Section 59 (R. S. 1927, ch. 179) was repealed by chapter 26, Acts of 1928, and the following is thereby substituted:]

59. The salaries of the commissioners shall be fixed by the lieutenant governor in council and shall be payable out of the accident fund as part of the administration expenses of the board.

[Section 94 was amended by chapter 46, Acts of 1927, by striking out the words "the clerk of the county or district court" in the seventh line and inserting in lieu thereof the words "the clerk of any county or district court or where the amount remaining unpaid does not exceed $200, with the clerk of any division court."

[Section 113 (R. S. 1927, ch. 179) was amended by chapter 26, Acts of 1928, by adding subsections (9*a*) and (9*b*), which read as follows:]

(9*a*) For the purposes of this act tuberculosis shall mean tuberculosis of the respiratory organs when on examination of any person it is found that, (*a*) such person expectorates the tubercle bacillus; (*b*) such person has closed tuberculosis to such a degree as to seriously impair his working capacity and to render prohibition of his working underground advisable in the interests of his health.

(9*b*) The board is authorized to appoint such medical officers as may be required to carry out the provisions of the mining act and amendments thereto with regard to the examination of employees or applicants for employment and the remuneration and expenses of such officers shall be paid out of the rates imposed for payment of silicosis claims.

SUPPLEMENTAL ACT

[Chapter 16, Acts of 1928, amends "the mining act" by adding thereto the following section:]

157*a*. (1) Every workman employed underground in any mine shall be examined by a medical officer appointed under the provisions of the workmen's compensation act relating to silicosis at least once in every 12 months, and every applicant for underground work to whom the certificate mentioned in subsection 2 has not been issued shall be so examined.

(2) If the medical officer finds upon examination that the workman is free from tuberculosis of the respiratory organs, he shall certify in the prescribed form that such is the case, and shall deliver the certificate to the workman.

(3) Every such certificate shall remain in force for not more than 12 months from the date of issue, and if so required by the manager or superintendent of the mine in which the workman is employed, it shall be delivered to and remain in the custody of such manager or superintendent during the period of the workman's employment and shall be returned to him on his being discharged from or leaving the same.

(4) A like certificate shall be required in the case of a workman engaged in any ore or rock crushing operation at the surface of the mine except where the ore or rock is crushed in water or a chemical solution and is kept constantly in a moistened or wet condition.

(5) Except as provided in subsection 4 a workman as to whom such a certificate is not in force shall not be employed in underground work in any mine or in ore or rock-crushing operations at the surface of any mine.

(6) The chief inspector of mines may exempt from the foregoing provisions of this section such mines as do not contain silica in quantity likely to produce silicosis, or which for any other good and sufficient reason the said chief inspector deems should be exempt, nor shall such provisions apply to workmen employed underground for a less period than 50 hours in any one calendar month.

(7) The lieutenant governor in council may make regulations prescribing the nature of the medical examination to be made and the form of certificate to be issued under the foregoing provisions of this section and generally for the better carrying out of the requirements of this section.

QUEBEC

ACTS OF 1928

CHAPTER 79.—*An act respecting workmen's compensation*

1. The Revised Statutes, 1925, are amended by replacing chapter 274 thereof by the following:

CHAPTER 274.—*Workmen's compensation*

I. *Title.*—This act may be cited as the workmen's compensation act, 1928.

II. *Meaning of certain words.*—In this act, unless the context otherwise requires:

1. The word "commission" means the workmen's compensation commission created under chapter 275 of these Revised Statutes;

2. The word "minister" means the minister of public works and labor;

3. The word "insurer" means any fixed premium or mutual insurance company engaged in workmen's compensation insurance under this act, and also every employer or head of the enterprise or owner of the industry who becomes his own insurer according to section 24.

III. *Scope of law.*—Accidents happening by reason of or in the course of their work to workmen, employees, and apprentices engaged in one of the enterprises subjected to the provisions of this act, namely:

1. The work of building, including the business of demolishing.

2. Factories, manufactories, or workshops.

3. Stone, wood, or coal yards.

4. Lumbering operations, including protection service and the floating of timber.

5. Any transportation business by land or by water, or loading or unloading.

6. Any gas or electrical business.

7. The business of building, repairing, or maintaining public roads, railways, tramways, telephones, telegraphs, waterworks, drains, sewers, dams, wharves, docks, elevators, bridges, or other similar work.

8. Mines or quarries.

9. Any industrial enterprise or yard, in which explosives are manufactured, used or kept, or in which machinery is used, operated by power other than that of men or of animals, but only if such accident is caused by such machine or discharge of such explosives.

10. Any commercial establishment, but only if the accident which happens in such an establishment is caused by an elevator to the persons in charge of same, or if the accident happens in a workshop forming part of the establishment and is caused to workmen of such workshop by machinery operated by power other than that of men or of animals.

Shall entitle the injured person or his representatives to compensation as hereinafter determined.

IV. 1. *Exemptions.*—A workman who usually works alone shall not be subject to liability under this act from the fact of one or more other workman casually working with him, or from the fact of the members of his family, who live with him, habitually working with him.

2. The employer of less than seven workman, even permanently, shall not be subject to the provisions of this act.

3. Nevertheless, such patron or employer may place himself under the provisions of this act if he gives notice to the commission in the form adopted by its special rules.

V. This act shall not apply to agricultural industries, nor to domestic service, nor to navigation by means of sails even when the vessel is equipped with an auxiliary motor.

VI. *Public and mercantile employees.*—The Government of the Province of Quebec and corporations shall, on the same footing as individuals, be subject to

these provisions whenever they carry on any enterprise subjected to the provisions of this act.

VII. 1. Employers to whom this act does not apply may place themselves under its provisions, if they enter into a written agreement for such purpose with their workmen, employees and apprentices individually in the manner and according to the formalities prescribed by the special rules established under the workmen's compensation commission act (ch. 275). Such agreement shall avail only from the date of its receipt by the workmen's compensation commission.

2. During the period agreed upon, the respective legal rights and obligations of the signatories of the said agreement with regard to accidents happening by reason of or in the course of the work shall be governed by these provisions to the exclusion of any other law.

VIII. *Common-law rights.*—This act shall not do away with any of the common-law rights of action belonging to any persons who can not avail themselves of its provisions.

IX. A minor, 14 years of age, who is injured in an accident happening by reason of or in the course of his work may alone recover the indemnities due to him under this act.

X. Workmen, employees, and apprentices, domiciled in this Province, who are engaged therein to go and work outside its territory, or their representatives, shall not be entitled to the benefit from the provisions of this act by reason of accidents happening outside the Province, except when the law of the place where the accident occurred grants them no indemnity.

XI. *Benefits.*—The compensation, to which the person injured in the accidents covered by section 3, the paragraph 3 of article 4, and articles 6 and 7 of this act is entitled, shall be as follows:

1. *Permanent total.*—In case of permanent total incapacity, the injured person shall be entitled to a rent equal to two-thirds (66⅔ per cent) of his yearly wages; but the aggregate of the sums so paid shall not exceed $10,000.

Without restricting the meaning of "permanent total incapacity," the loss of both eyes, both hands or both feet shall in all cases be deemed to constitute permanent total incapacity.

Where the accident results in an injury which does not, in itself, constitute permanent total incapacity but which aggravates an already existing permanent injury so that the workman becomes totally incapacitated, then the workman shall be compensated as for permanent total incapacity, taking into account, however, what he is receiving or has already received.

2. *Permanent partial.*—In case of permanent partial incapacity, the injured person shall be entitled to a rent equal to two-thirds (66⅔ per cent) of his yearly wages payable for the period of time fixed, on a basis of four weeks for each 1 per cent of incapacity.

In the cases enumerated in the schedule to this act, the degree of incapacity shall be that mentioned in the said schedule.

In cases not provided for in said schedule, the degree of incapacity shall be determined by the nature of the injury, taking into account the incapacity mentioned in the schedule for the cases therein enumerated as well as the injured person's capacity to continue the same kind of work as he was doing before the accident or to take up another kind of occupation.

Where an accident resulting in permanent partial incapacity causes more than one kind of the injuries enumerated in the said schedule, the compensation shall be payable for a period of time based upon the sum of the various percentages of incapacity set out in the schedule for each of the cases applicable to the injured person.

If a case of permanent partial incapacity involves temporary total incapacity, the injured person shall be entitled, for such temporary incapacity, to the compensation provided by this act, for the healing period, not exceeding six months, in addition to the compensation allowed for the permanent partial incapacity.

If an already existing permanent partial incapacity is aggravated by a new accident, which extends the previous injury to a more serious permanent partial incapacity, the compensation for such new accident shall be based on the difference between the percentage of incapacity resulting from the first accident and that resulting from the second.

In any of the cases above provided in this paragraph 2, the sums so paid shall not exceed an aggregate of $5,000 for permanent partial incapacity.

3. *a.* In case of temporary total incapacity which has lasted less than seven days, the injured person shall be entitled to medical attendance.

b. In case of temporary total incapacity which lasts seven days or more but less than six weeks, the injured person shall be entitled to compensation equal to two-thirds (66⅔ per cent) of his daily wages at the time of the accident, for the period of such incapacity, beginning on the eighth day after the accident.

c. In case of temporary total incapacity which lasts six weeks or more, the injured person shall be entitled to compensation equal to two-thirds (66⅔ per cent) of his daily wages at the time of the accident, for the period of such incapacity, beginning on the day of the accident.

d. The compensation for temporary total incapacity shall be payable at the time when and place where payment of wages is usually made in the enterprise, but the interval between payments shall not exceed 15 days.

XII. 1. In all cases of permanent incapacity, the compensation shall be payable in the form of a monthly rent, from the end of the period of indemnity for temporary incapacity in accordance with the provisions of this act, until the total amount allowed by the act has been paid.

2. In all cases of permanent incapacity, payment of compensation shall cease upon the death of the injured person.

XIII. In cases of permanent incapacity or temporary total incapacity, the compensation payable to the injured person shall not exceed $20 weekly or the equivalent monthly, and shall not be less than $6 per week or than the equivalent monthly, unless the workman's wages be less than this amount, in which case the compensation shall be equal to the wages which the workman was then receiving.

In cases of permanent incapacity, if the injured person is under 21 years of age, the compensation shall not be less than $6 per week or than the equivalent monthly.

XIV. 1. *Death.*—When the accident results in death, a rent shall be payable monthly, starting from the death, to the representatives, hereinafter designated, of the deceased, in the order in which they are enumerated, and each degree excluding those following:

a. To the surviving consort, not divorced nor separated from bed and board, provided the marriage took place before the accident, a rent equal to 30 per cent of the yearly wages of the deceased, payable until the death or remarriage of such consort. If the deceased has left legitimate or legitimatized children, under 16 years of age, the rent to the consort shall be increased in the following proportions, until they attain the full age of 16 years or die before having attained such age.

For one child, 10 per cent of the yearly wages of the deceased;

For two children, 20 per cent of the yearly wages of the deceased;

For three children and more, 30 per cent of the yearly wages of the deceased;

In the event of remarrying, the consort shall lose the right to his or her share of the rent but shall continue to receive that allotted to the children. Where the widow who is receiving a rent remarries, she shall receive a final allowance equal to her share of the rents for 12 months;

b. To each child, under 16 years of age, who is without father and mother, a rent equal to 20 per cent of the yearly wages of the deceased, until he reaches the full age of 16 years or dies before reaching such age; the total of such rents not to exceed 60 per cent of the yearly wages. Such rent shall be payable to the tutor. If there are more than three children, the maximum total of the rents shall be divided equally among those entitled thereto as long as each is entitled thereto.

c. If there be no consort surviving or children, qualified to receive under the preceding subparagraphs *a* and *b* of this subsection 1, each of the ascendants and descendants, of whom the deceased was the principal support, shall receive, subject to subsection 2 of this section, a rent, payable to the ascendants for life or until the payment of the maximum fixed by the said subsection 2, as the case may be, and to the descendants until the age of 16 years if they attain such age, equal to 10 per cent of the yearly wages of the deceased; the total amount of the rents so allowed not to exceed 30 per cent of the yearly wages, and the said total amount, to be divided, when there is occasion therefor, equally among those entitled thereto as long as each is entitled thereto.

2. For the purposes of this section, if the wages of the deceased workman exceed $1,560 per annum, that amount only shall be taken into account, and in no case shall the aggregate rents awarded to the consort and the beneficiaries, under this section, exceed $6,000.

XV. *Medical etc. aid.*—Accidents which are provided for by this act shall, in addition, entitle the injured person or his representatives, as the case may be:

1. To all medical, surgical, pharmaceutical, and hospital charges according to a tariff approved by the lieutenant governor in council, as well as to charges of transporting the injured person to the nearest hospital. Wherever there is more than one hospital, the injured person may select one of his own choice;

2. To the supplying, and normal renewing, during a period of 12 months, of prosthetic and orthopedic appliances, the use whereof is deemed necessary; and

3. In case of death, to the actual funeral expenses, but to the extent of $125 only.

XVI. The employer must procure for the injured person, whose mother tongue is French or English, the services of a physician and, if required, of nurses speaking his language. Should he fail to do so, the injured person may provide them himself at the expense of the employer. The physicians, nurses, and hospital establishments having had the care of the injured person may recover, from the employer, the head of the enterprise, or the insurer, but, if there is no agreement to the contrary, only to the extent of the sums fixed by the tariff, the cost of their services on the decision of the commission according to the special rules established and homologated by a judge of a court of competent jurisdiction, upon a summary petition.

XVII. The injured person shall be bound, but not oftener than once a month, if the employer requires him so to do in writing, to submit to an examination by a practicing physician chosen and paid by the employer, and, if he refuses to submit to such examination or opposes the same in any way, his right to rents, allowances, and compensation as well as any remedy to enforce the same shall be suspended until the examination takes place.

The person injured shall, in such case, always be entitled to demand that such examination shall take place in the presence of his physician.

XVIII. 1. *Payments exempt.*—The rents, allowances, and compensation awarded under this act shall be inalienable and exempt from seizure.

2. The rents, save those for temporary incapacity, shall be payable monthly, at the domicile of the person entitled thereto, or at any other place, in the Province, indicated by him.

XIX. *Computing wages.*—The yearly wages upon which the rent is based shall be, in the case of a workman engaged in the business during the 12 months next before the accident, the actual remuneration allowed him during such time, whether in money or in kind.

In the case of a workman employed less than 12 months before the accident, such wages shall be the actual remuneration which he has received since he was employed in the enterprise, plus the average remuneration received by workmen of the same class during the time necessary to complete the 12 months.

If the work is not continuous, the yearly wages shall be calculated both according to the remuneration received while the work went on and according to the workman's earnings during the remainder of the year.

In the case where the workman receives a fixed wage, any remuneration he may have received for overtime shall not be taken into account in calculating his yearly wages.

XX. *Liability.*—The debtor may, at any time, free himself from the duty of effecting the rental payments for which he is liable by paying the capital of such rents to an insurance company, approved by the lieutenant governor in council, which shall in his place undertake the duty of effecting the rental payments.

XXI. *Burden of liability.*—The rents, allowances, and compensation established by this act shall be at the charge of the injured person's immediate employer; but the head of the enterprise and the owner of the industry for which such employer is acting as a contractor, subcontractor, or otherwise, shall also be considered as employer and, as such, shall be jointly and severally liable with such immediate employer, toward the injured person or his representatives, for the payment of such rents, allowances, and compensation.

The head of the enterprise or owner of the industry, after having paid, may recover the amount so paid from the party responsible.

XXII. 1. Damages resulting from accidents happening by reason of or in the course of the work shall only entitle—as against the employer, the head of the enterprise, or the owner of the industry—the injured person or his representatives, in the cases provided for in this act, to the compensation which it fixes.

2. Apart from the rights granted under this act, the injured person or his representatives shall retain, against the authors of the accident, other than the employer or the head of the enterprise or the owner of the industry or his servants or agents, the right to claim compensation for the damage caused, in accordance with the rules of common law.

3. The compensation granted them shall free to that extent the employer, the head of the enterprise and the owner of the industry from the obligations put upon them. Such action against the third parties responsible may even be exercised by the employer, the head of the enterprise and the owner of the industry, at their own risk, in the place and stead of the injured person or his representatives, if such person or representatives neglect to avail themselves of it within a delay of 15 days after being put in default in writing.

XXIII. *Insurance.*—1. With the exception of the Crown, of municipal, school, ecclesiastical and governmental corporations, and of railways under the control of the Parliament of Canada, every enterprise covered by this act shall, subject to the penalties, obligations, and responsibilities therein provided, previously obtain from a fixed premium or mutual insurance company, approved by the lieutenant-governor in council, on the recommendation of the superintendent of insurance, an insurance policy satisfactory to the commission by which the insurer undertakes to perform the obligations imposed, under this act, upon the insured for any accidents of which his workmen, employees, or apprentices may be the victims by reason of or in the course of their work, and shall transmit to the commission a copy of such insurance policy certified by the insurer or a certificate of insurance in the form approved by the commission, at the option of the commission.

2. The insurance must be kept in force by the insured as long as he continues to engage in the enterprises covered by this act.

3. A certificate of the renewal of such insurance policy satisfactory to the commission shall be furnished to the said commission at least 10 days before its expiry.

4. The insurance shall not be canceled or annulled by the insurer except after 10 days' notice to the commission.

XXIV.—*Same—Insurance.*—Any employer, head of the enterprise or owner of the industry may, at the discretion of the commission, be exempted from taking out the insurance mentioned in section 23 by obtaining from the commission a license to be his own insurer for the purposes of this act. Such license shall only be granted on the following conditions:

1. The application made to the commission for the license must be accompanied by:

a. A statement of the wages paid for the previous year, with the number of employees;

b. An estimate of the total pay roll and number of employees for the coming year;

c. A statement of the sums due for past workmen's compensation accidents;

d. A certificate of the deposit or an authentic copy of the surety bond or guarantee policy required in such case by this act. The above statements which accompany the demand shall be sworn to.

2. The application for the license shall be made in the manner, form and tenor required by the special rules.

XXV. *Security.*—1. In order to guarantee payment of the compensation, allowances and rents for which such self-insurer may be bound, the latter shall:

a. Deposit in the name of the commission, in a chartered bank, or in a trust company specially approved by the lieutenant governor in council, a sum of money or securities approved by the commission, for an amount equal to what he owes for workmen's compensation with, in addition 5 per cent of the aggregate wages paid in the previous year, the whole to be not less than $10,000 and a maximum of $50,000 may in any case be deemed sufficient by the commission; or

b. Furnish to the commission a surety bond or guarantee policy, in the form required by the commission, by a guarantee insurance company specially approved by the lieutenant governor in council for the purposes of this act, for the amount determined in subparagraph *a*, immediately preceding.

2. In the case of a deposit, the commission shall retain it for the benefit of the persons who may be entitled, as against the self-insurer, to any payment under this act. In the case of security, the commission shall be the beneficiary on behalf of such persons.

3. Any award of the commission, ordering the self-insurer to pay compensation, allowance, or rent, may, if not satisfied within the 15 days after the date on which it was rendered, be executed as a judgment of the superior court, after it has been homologated by a judge of the said court upon summary petition, against such deposit or against the surety, if need be, in accordance with section 28 of the workmen's compensation commission act (ch. 275).

4. The license under section 24 shall be granted for a period of not more than one year. Ten days before its expiry it may be renewed at the discretion of the commission upon the conditions and with the formalities required for the initial license.

5. The commission may authorize the bank or trust company to pay to the depositor the interest on the money or securities deposited in accordance with subparagraph *a* of subsection 1 of this section.

XXVI. *Default.*—1. The insurer shall be bound to pay, upon default by the insured, the compensation, allowances and rents payable by the latter under this act, to the extent and so far as the said insurer is obliged thereto by the insurance contract between him and the insured.

2. The self-insurer shall be liable for the obligations imposed upon the insurer by this act.

XXVII. *Deductions from wages.*—It is forbidden for any employer or head of the enterprise or owner of the industry to make any retention of any part of the salary or wages of his workmen or employees for purposes of insurance against accidents happening by reason of or in the course of their work, even with the consent of such workmen or employees.

2. Any agreement under which such a retention is made or authorized shall be null and of no effect.

3. In any case where such retention is made, the workman, apprentice, or employee, in the three months following the termination of his contract of employment, may recover, before any court of competent jurisdiction, the amount so unlawfully withheld from his salary or wages.

Subsections 1, 2, and 3 of this section shall not apply to employees who, individually and in good faith, take out supplementary insurance policies and who give written orders to their employers to pay the premiums out of their wages or salary.

XXVIII. *Notice.*—Every person, other than the government of the Province of Quebec, liable for the payment of the rents, allowances and compensation awarded under this act, on account of an accident entailing incapacity for more than 7 days and happening in an enterprise subjected thereto, shall, within 15 days after such accident, give notice thereof to the commission in the form and tenor and in the manner determined by the special rules enacted by the commission under the authority of the workmen's compensation commission act (ch. 275); failing which he shall incur the fine provided for an offense against this act.

XXIX. *Same.*—Notice of any accident shall be given to the employer within 10 days, by the injured person or his representatives. In default of such notice, the person injured and his representatives are deprived of their right to compensation, unless they prove, to the satisfaction of the commission, that they have been prevented from giving such notice for reasons deemed sufficient by the commission.

XXX. *Penalties.*—1. Every person carrying on an enterprise covered by this act who fails to comply with the obligation to be insured in accordance with its provisions shall be liable to a fine of not less than $100 and not more than $1,000 payable to the Crown, with costs; and, in default of paying the fine imposed and the costs, the person in default, and, in the case of a corporation, the president and manager thereof, shall be liable to an imprisonment of not less than 8 days and not more than 30 days.

2. The fine and imprisonment may be repeatedly imposed until the party in default has complied with this act.

XXXI. *Same.*—Every person who, for the purpose of obtaining a compensation, rent, or allowance under this act, or of escaping the liabilities imposed by its provisions, is guilty of guile, fraudulent concealment, or false declarations, or is an accomplice therein, shall be liable to a fine of not less than $100 and not more than $500, payable to the Crown, with costs; and in default of paying the fine imposed and the costs, the person in default, and, in the case of a corporation, the president and the manager thereof shall be liable to an imprisonment of not less than 8 days, and not more than 30 days.

XXXII. *Same.*—Every offense against any provision of this act, other than those provided for in sections 30 and 31, shall render the person guilty of same liable to a fine of not less than $50 and not more than $200, payable to the Crown, with costs; and in default of paying the fine imposed and the costs, the person in default, and, in the case of a corporation, the president and the manager thereof, shall be liable to an imprisonment of not less than 8 days and not more than 30 days.

XXXIII. *Same.*—Suits for the recovery of the fines and the imposition of the penalties for offenses against this act shall be governed by the provisions of the Quebec Summary Convictions Act (ch. 165).

XXXIV. *Effect.*—The following shall be null pleno jure, non existent and of no effect: Agreements made contrary to the provisions of this act; and every obligation contracted and every transaction the effect whereof may be to prevent an injured person or his representatives from receiving the entire amount of the compensation provided and from having the full enjoyment thereof.

XXXV. *Time limit.*—The application for compensation shall be made within 12 months from the date of the accident, after which the right to claim compensation shall cease.

XXXVI. *Application.*—Such application shall be made to the workmen's compensation commission created under the workmen's compensation commission act (ch. 275), in accordance with the provisions of said act and the rules and orders enacted under its authority.

2. This act shall not apply to cases pending or begun before the first day of September, 1928, nor to the accidents happening before such date.

3. The acts 16 George V, chapter 32, and 17 George V, chapter 67, are repealed.

4. Section 3 of this act shall come into force on the day of its sanction, and the other sections of this act shall come into force on the first day of September, 1928.

Schedule—Degrees of permanent partial incapacity

Loss or loss of use of:	Percentage of incapacity
Arm at shoulder: [1]	
Right	55
Left	50
Arm between shoulder and elbow: [1]	
Right	46
Left	38
Arm below elbow or hand at wrist: [1]	
Right	42
Left	32
Thumb: [1]	
Right	12
Left	8
Index finger: [1]	
Right	9
Left	5
Middle finger: [1]	
Right	3
Left	2
Ring or little finger: [1]	
Right	2
Left	1
First phalange of finger except of thumb and of index finger: [1] 50 per cent of incapacity for whole finger.	
First phalange of thumb or of index finger: [1] 75 per cent of incapacity for whole finger.	
More than one phalange of finger or thumb: [1] Incapacity the same as for whole finger or thumb.	
Multiple finger injuries: [1] Incapacity equal to the sum of that awarded for each finger but not to exceed 25 per cent.	
Leg at hip	75
Leg between hip and knee	50
Leg at knee	44
Foot at ankle	38
Great toe	3
Any other toe	1
First phalange of toe: 50 per cent of incapacity for whole toe.	
More than one phalange of toe: Incapacity the same as for whole toe.	
Multiple toe injuries: Incapacity equal to the sum of that awarded for each toe but not to exceed 6 per cent.	
One eye	20
Both ears (hearing)	25
One ear or hearing of one ear	3

[1] And the opposite for a left-handed person.

CHAPTER 80.—*An act respecting the workmen's compensation commission*

1. The Revised Statutes, 1925, are amended by replacing chapter 275 thereof by the following:

CHAPTER 275.—*Workmen's Compensation Commission*

I. *Title.*—This act may be cited as the workmen's compensation commission act.

II. *Administration.*—A commission is established, called "Workman's compensation commission," with its head office in the city of Quebec, composed of three members, who shall be appointed by the lieutenant governor in council, one of whom as president shall receive a salary of $10,000 per annum, and each of the other two a salary of $8,000 per annum.

The commissioners shall attend exclusively to the work of the commission and to the duties of their office; they shall not engage in any other employment, trade, industry, or profession.

III. *Same—Reports.*—The commission shall make an annual report to the minister of public works and labor at the date fixed by him.

Such annual report shall include all work done by the commission during the year and contain all information respecting the number, nature, and seriousness of accidents to workmen happening by reason of or in the course of their work, and the compensation awarded.

IV. *Same—Quorum.*—The quorum of the commission shall be two members.

V. *Same—Dissolution.*—The commission shall not be dissolved by reason of the death or resignation of one or more of its members.

VI. *Same—Secretary.*—The lieutenant governor in council shall appoint a secretary for the commission. The said secretary shall receive a salary of $5,000 per annum.

VII. *Same—Staff.*—The commission shall be assisted by a staff appointed by the lieutenant governor in council, who shall also fix the salary of each of the members of such staff.

VIII. *Same—Duties of.*—The secretary and staff shall perform the duties required of them by the commission.

In addition to the duties assigned to him by the commission, the secretary shall be obliged to assist those applying for compensation under the workmen's compensation act, 1928 (ch. 274), or under this act, and to represent them before the commission or the commissioners, as the case may be, without other remuneration than the salary attributed to him.

IX. *Same—Expenses.*—1. The salaries of the commissioners and expenses for office accommodation and furniture for the commission shall be borne by the government of the Province and be paid out of the consolidated revenue fund.

2. Such expenses for office accommodation and furniture shall be paid after approval by the minister of public works and labor.

3. The lieutenant governor in council may authorize the provincial treasurer to advance to the commission, out of the consolidated revenue fund, such sum as he may determine to defray other expenses not already provided for in the manner prescribed in the following section.

The commission shall be accountable for the advance so made.

X. *Same—Expenses.*—1. Except the salaries and expenses for office accommodation and furniture assumed by the government under section 9, all expenses incurred through the administering of the said workmen's compensation act and of this act shall be borne by the insurers within the meaning of paragraph 3 of section 2 of the workmen's compensation act, 1928 (ch. 274), in the manner hereinafter determined.

The manner of apportioning such expenses among the insurers shall be determined as equitably as possible by the commission after hearing the interested parties called before it. The method of apportionment determined by the commission shall take effect as soon as it has been approved by the lieutenant governor in council and published in the Quebec Official Gazette, and it may be changed by the commission, by following the same formalities.

2. At the expiration of each calendar year the commission, after determining the amount of such expenses, shall apportion them in the manner prescribed by section 1 of this section.

3. The apportionment so made by the commission shall be final, except in the case of a mistake which the commission itself acknowledges, and any extract

therefrom, certified according to the special rules, shall be proof thereof for all legal purposes.

4. The recovery of the share owing by each person bound under the apportionment may be effected by common law, in the name of the commission, before any court of competent jurisdiction. The commission shall not, however, be bound to sue such persons in default; and any deficit owing through the failure of any of them may be added to the next apportionment.

5. Every insurer within the meaning of paragraph 3 of section 2 of the said workmen's compensation act who, after being required thereto by the commission, neglects for 30 days to pay the amount which he owes under the apportionment, shall be liable to suffer the cancellation of the license which authorizes him to effect the insurance provided for by the said workmen's compensation act, or that of the license allowing him to be his own insurer.

XI. 1. *Jurisdiction.*—The commission shall be the only authority having jurisdiction to interpret, administer, apply, and carry out the workmen's compensation act, 1928 (ch. 274), and this act.

XII. *Same—Awards.*—Without restricting the generality of the provisions of section 11, the commission shall have jurisdiction, to the exclusion of every other tribunal, and without appeal, in all matters connected with the awarding of the allowances and compensation provided by the said workmen's compensation act.

XIII. *Same—Powers.*—The commission may, moreover, on complaint to it or on its own initiative, exercise a power of supervision, control and direction over the establishments subjected to the workmen's compensation act, with a view to preventing workmen's accidents and, for such purpose, it shall itself have the right to visit and inspect such establishments or cause them to be visited and inspected by a person named by it, and it may order the owners and employers to take such precautionary measures as it deems proper. Such orders of the commission shall be carried out, under the penalty, for default so to do, enacted by section 32 of the said workmen's compensation act.

Such penalty shall be prosecuted for in accordance with section 33 of the said act.

XIV. *Same—Rehabilitation.*—It shall also be the duty of the commission to promote the rehabilitation of injured workmen and to take such measures as it may deem proper to aid in the reestablishment of such workmen in industry in the Province.

XV. *Same—Rules.*—The commission may adopt and amend, from time to time, special rules for its government, for the conduct of its affairs and for the carrying out of the said workmen's compensation act and the present act. Such special rules shall come into force after having been approved by the lieutenant-governor in council and promulgated by publication in the Quebec Official Gazette.

XVI. *Same—Special investigations.*—The commission is empowered, at any time, to itself make or cause to be made by one of the commissioners such special investigations as it may deem useful for the carrying out of the said workmen's compensation act and of this act.

XVII. *Same—Revision of awards.*—Whenever it has been established, to the satisfaction of the commission, that any allowance, compensation, or rent has been granted or refused through one of the practices mentioned in section 31 of the workmen's compensation act, 1928, (ch. 274), the commission may, at any time, when requested or on its own initiative, revise its award.

XVIII. *Same—Summons of witnesses.*—1. As regards the summoning and examining of the interested parties and witnesses, as well as the examining and filing of exhibits and documents, the commission and the commissioner conducting an investigation shall have the same powers as the superior court.

2. The commission shall not be obliged to follow the ordinary rules of evidence in civil matters, and may, by all legal means which it deems best, inquire into the matters the investigation whereof is attributed to it.

3. Every service required in the carrying out of this act shall be made in the manner determined by the special rules, and, if there be no ruling therefor, by a bailiff of the superior court.

XIX. *Same—Physician to furnish information.*—The commission may require any physician, who has attended a workman consequent upon the accident he has suffered, to give it such information as it may deem useful. The physician shall be obliged, saving however the case of professional secrecy, to furnish such information under penalty of losing the right to recover the cost of his services.

XX. *Same—Reexamination of injured.*—1. At any time after receiving notice of an accident under section 28 of the workmen's compensation act, 1928, (ch. 274), the commission may cause the injured person to be examined by one or more physicians selected by the commission.

2. Whenever the injured person refuses to submit to such examination, his right to any indemnity shall be suspended until he does submit thereto.

3. The cost of such examination shall be paid by the commission and be included in its expenses.

XXI. *Same—Provisional allowance.*—At any time after receiving the notice mentioned above, the commission may, on application therefor, order the payment to the injured person or to his representatives, as the case may be, of a provisional weekly allowance until the definite fixing of the compensation to which the injured person may be entitled.

XXII. *Same—Procedure.*—If an agreement is arrived at between the insurer and employer, on the one part, and the victim or his representatives, as the case may be, on the other part, such agreement, in order to be valid, must be in writing, signed and attested, and be transmitted to the commission, the whole in the manner determined by the special rules. After which, if the commission be satisfied that such agreement expresses the wishes of the parties and is according to the workmen's compensation act, it may approve it in its award, which shall be the final judgment in the matter.

If, within 10 days of its receipt of the written agreement transmitted to it, the commission has not expressed its disapproval, such agreement shall be deemed to have been approved by it.

Any such agreement made prior to the expiration of 15 days after the date of the accident, or any such agreement which has not been transmitted to the commission, shall be voidable at the option of the workman or his representative, as the case may be.

XXIII. *Same—aggrieved parties.*—Failing agreement in accordance with the preceding section, or if the commission has disapproved of the agreement made, or if the parties fail to agree as to the continuance of payments to be made under an approved agreement, either party may inform the commission of these facts, and the latter shall itself or through one of its commissioners conduct an investigation, after notice to the parties interested, at the time and place and in the manner determined in accordance with its special rules.

XXIV. *Same—Investigations, awards, etc.*—The commission, after its investigation or on the report of the investigating commissioner, shall render its award, refusing or granting the compensation, allowances and rents for which there may be occasion under the said workmen's compensation act and this act, and shall notify the parties thereof.

XXV. *Same—Rehearing.*—If the award of the commission was rendered after investigation by one of the commissioners, any of the interested parties may, within 30 days after the date on which the award was rendered, apply for the reconsideration thereof by the commission. The commission shall then proceed to a fresh examination of the proof in the record and hear the parties, if it deem it necessary, and may then confirm, amend, or annul the award first rendered.

XXVI. *Same—Revision of awards.*—At the request of the interested parties or on its initiative, the commission may, in the two years following its first award or the agreement made in accordance with section 22, in the case of increased or lessened incapacity of the injured person, or of his death as a result of the accident, revise the compensation awarded.

XXVII. *Same—Registers kept by commission.*—The commission shall cause registers to be kept and preserved of its proceedings, orders, and awards in the manner determined in the special rules. Any copy of said registers, orders, and awards certified by one of the commissioners, or by any other officer of the commission designated in the said rules, shall be authentic.

XXVIII. *Same—Homologation of award.*—1. Upon the depositing in the office of the prothonotary of the superior court of the district in which the employer is domiciled of an authentic copy of an award of the commission, the court may, upon a summary petition of the commission or of any interested party, homologate the award, which shall become executory as any other judgment. During the judicial holidays or out of term, the judge of the superior court shall have the same jurisdiction as the court for the purposes of this section.

2. The award of the commission shall be executory against the employer and against the insurer 15 days after the day on which it was homologated, but

execution against the insurer must in all cases be preceded by a notice of five days to the commission.

XXIX. *Same—Awards final, etc.*—1. The awards of the commission, the revision of which has not been applied for in accordance with section 25 of this act, and those rendered under the said section, shall be final and without appeal.

2. Judgments rendered by the superior court homologating awards of the commission shall also be final and without appeal.

3. No recourse by way of certiorari, prohibition, injunction, or mandamus shall lie against the proceedings and awards of the commission nor against the superior court in homologating the said awards.

XXX. *Same—Awarding of costs.*—The commission can not award any costs on account of the proceedings held before it or in the carrying out of the workmen's compensation act, 1928 (ch. 274).

XXXI. *Same—Holding of meetings.*—The commission may sit anywhere in the Province.

XXXII. *Same.*—When the commission or a commissioner conducts an investigation at the chief place of a judicial district, the sheriff shall be bound to furnish it or him with a place to hold the investigation.

When such investigation is held in a place where there is a magistrate's court, the clerk of such court shall be obliged to allow the commission or the commissioner the use of the room intended for the magistrate's court unless the court is then sitting.

2. This act shall not apply to cases pending or begun before the date of its coming into force, nor to accidents occurring before such date.

3. This act shall come into force on the day which it may please the lieutenant governor in council to fix by proclamation.

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LIST OF BULLETINS OF THE BUREAU OF LABOR STATISTICS

The following is a list of all bulletins of the Bureau of Labor Statistics published since July, 1912, except that in the case of bulletins giving the results of periodic surveys of the bureau only the latest bulletin on any one subject is here listed.

A complete list of the reports and bulletins issued prior to July, 1912, as well as the bulletins published since that date, will be furnished on application. Bulletins marked thus (*) are out of print.

Conciliation and Arbitration (including strikes and lockouts).

*No. 124. Conciliation and arbitration in the building trades of Greater New York. [1913.]
*No. 133. Report of the industrial council of the British Board of Trade on its inquiry into industrial agreements. [1913.]
No. 139. Michigan copper district strike. [1914.]
No. 144. Industrial court of the cloak, suit, and skirt industry of New York City. [1914.]
No. 145. Conciliation, arbitration, and sanitation in the dress and waist industry of New York City. [1914.]
*No. 191. Collective bargaining in the anthracite coal industry. [1916.]
*No. 198. Collective agreements in the men's clothing industry. [1916.]
No. 233. Operation of the industrial disputes investigation act of Canada. [1918.]
No. 255. Joint industrial councils in Great Britain. [1919.]
No. 283. History of the Shipbuilding Labor Adjustment Board, 1917 to 1919.
No. 287. National War Labor Board: History of its formation, activities, etc. [1921.]
No. 303. Use of Federal power in settlement of railway labor disputes. [1922.]
No. 341. Trade agreement in the silk-ribbon industry of New York City. [1923.]
No. 402. Collective bargaining by actors. [1926.]
No. 468. Trade agreements, 1927.
No. 481. Joint industrial control in the book and job printing industry. [1928.]

Cooperation.

No. 313. Consumers' cooperative societies in the United States in 1920.
No. 314. Cooperative credit societies in America and in foreign countries. [1922.]
No. 437. Cooperative movement in the United States in 1925 (other than agricultural).

Employment and Unemployment.

*No. 109. Statistics of unemployment and the work of employment offices [in the United States]. [1913.]
No. 172. Unemployment in New York City, N. Y. [1915.]
*No. 183. Regularity of employment in the women's ready-to-wear garment industries. [1915.]
*No. 195. Unemployment in the United States. [1916.]
No. 196. Proceedings of the Employment Managers' Conference held at Minneapolis, Minn., January 19 and 20, 1916.
*No. 202. Proceedings of the conference of Employment Managers' Association of Boston, Mass., held May 10, 1916.
No. 206. The British system of labor exchanges. [1916.]
No. 227. Proceedings of the Employment Managers' Conference, Philadelphia, Pa., April 2 and 3, 1917.
No. 235. Employment system of the Lake Carriers' Association. [1918.]
*No. 241. Public employment offices in the United States. [1918.]
No. 247. Proceedings of Employment Managers' Conference, Rochester, N. Y., May 9–11, 1918.
No. 310. Industrial unemployment: A statistical study of its extent and causes. [1922.]
No. 409. Unemployment in Columbus, Ohio, 1921 to 1925.

Foreign Labor Laws.

*No. 142. Administration of labor laws and factory inspection in certain European countries. [1914.]
No. 494. Labor legislation of Uruguay.

Housing.

*No. 158. Government aid to home owning and housing of working people in foreign countries. [1914.]
No. 263. Housing by employers in the United States. [1920.]
No. 295. Building operations in representative cities in 1920.
No. 469. Building permits in the principal cities of the United States in [1921 to] 1927.

Industrial Accidents and Hygiene.

*No. 104. Lead poisoning in potteries, tile works, and porcelain enameled sanitary ware factories. [1912.]
No. 120. Hygiene of the painters' trade. [1913.]
*No. 127. Dangers to workers from dust and fumes, and methods of protection. [1913.]
*No. 141. Lead poisoning in the smelting and refining of lead. [1914.]
*No. 157. Industrial accident statistics. [1915.]
*No. 165. Lead poisoning in the manufacture of storage batteries. [1914.]
*No. 179. Industrial poisons used in the rubber industry. [1915.]
No. 188. Report of British departmental committee on the danger in the use of lead in the painting of buildings. [1916.]
*No. 201. Report of committee on statistics and compensation insurance cost of the International Association of Industrial Accident Boards and Commissions. [1916.]
*No. 207. Causes of death by occupation. [1917.]
*No. 209. Hygiene of the printing trades. [1917.]
*No. 219. Industrial poisons used or produced in the manufacture of explosives. [1917.]
No. 221. Hours, fatigue, and health in British munition factories. [1917.]
No. 230. Industrial efficiency and fatigue in British munition factories. [1917.]
*No. 231. Mortality from respiratory diseases in dusty trades (inorganic dusts). [1918.]
*No. 234. Safety movement in the iron and steel industry, 1907 to 1917.
No. 236. Effects of the air hammer on the hands of stonecutters. [1918.]
No. 249. Industrial health and efficiency. Final report of British Health of Munition Workers' Committee. [1919.]
*No. 251. Preventable death in the cotton-manufacturing industry. [1919.]
No. 256. Accidents and accident prevention in machine building. [1919.]
No. 267. Anthrax as an occupational disease. [1920.]
No. 276. Standardization of industrial accident statistics. [1920.]
No. 280. Industrial poisoning in making coal-tar dyes and dye intermediates. [1921.]
No. 291. Carbon-monoxide poinsoning. [1921.]
No. 293. The problem of dust phthisis in the granite-stone industry. [1922.]
No. 298. Causes and prevention of accidents in the iron and steel industry, 1910–1919.
No. 306. Occupational hazards and diagnostic signs: A guide to impairments to be looked for in hazardous occupations. [1922.]
No. 339. Statistics of industrial accidents in the United States. [1923.]
No. 392. Survey of hygienic conditions in the printing trades. [1925.]
No. 405. Phosphorus necrosis in the manufacture of fireworks and in the preparation of phosphorus. [1926.]
No. 425. Record of industrial accidents in the United States to 1925.
No. 426. Deaths from lead poisoning. [1927.]
No. 427. Health survey of the printing trades, 1922 to 1925.
No. 428. Proceedings of the Industrial Accident Prevention Conference, held at Washington, D. C., July 14–16, 1926.
No. 460. A new test for industrial lead poisoning. [1928.]
No. 466. Settlement for accidents to American seamen. [1928.]
No. 488. Deaths from lead poisoning, 1925 to 1927.
No. 490. Statistics of industrial accidents in the United States to the end of 1927.

Industrial Relations and Labor Conditions.

No. 237. Industrial unrest in Great Britain. [1917.]
No. 340. Chinese migrations, with special reference to labor conditions. [1923.]
No. 349. Industrial relations in the West Coast lumber industry. [1923.]
No. 361. Labor relations in the Fairmont (W. Va.) bituminous-coal field. [1924.]
No. 380. Postwar labor conditions in Germany. [1925.]
No. 383. Works council movement in Germany. [1925.]
No. 384. Labor conditions in the shoe industry in Massachusetts, 1920–1924.
No. 399. Labor relations in the lace and lace-curtain industries in the United States. [1925.]
No. 483. Conditions in the shoe industry in Haverhill, Mass., 1928.

Labor Laws of the United States (including decisions of courts relating to labor).

No. 211. Labor laws and their administration in the Pacific States. [1917.]
No. 229. Wage-payment legislation in the United States. [1917.]
No. 285. Minimum-wage laws of the United States: Construction and operation. [1921.]
No. 321. Labor laws that have been declared unconstitutional. [1922.]
No. 322. Kansas Court of Industrial Relations. [1923.]
No. 343. Laws providing for bureaus of labor statistics, etc. [1923.]
No. 370. Labor laws of the United States, with decisions of courts relating thereto. [1925.]
No. 408. Laws relating to payment of wages. [1926.]
No. 444. Decisions of courts and opinions affecting labor, 1926.
No. 467. Minimum wage legislation in various countries. [1928.]
No. 470. Labor legislation of 1927.
No. 486. Labor legislation of 1928.

Proceedings of Annual Conventions of the Association of Governmental Labor Officials of the United States and Canada. (Name changed in 1928 to Association of Governmental Officials in Industry of the United States and Canada.)

*No. 266. Seventh, Seattle, Wash., July 12–15, 1920.
No. 307. Eighth, New Orleans, La., May 2–6, 1921.
No. 323. Ninth, Harrisburg, Pa., May 22–26, 1922.
No. 352. Tenth, Richmond, Va., May 1–4, 1923.
*No. 389. Eleventh, Chicago, Ill., May 19–23, 1924.
*No. 411. Twelfth, Salt Lake City, Utah, August 13–15, 1925.
No. 429. Thirteenth, Columbus, Ohio, June 7–10, 1926.
No. 455. Fourteenth, Paterson, N. J., May 31 to June 3, 1927.
No. 480. Fifteenth, New Orleans, La., May 15–24, 1928.

Proceedings of Annual Meetings of the International Association of Industrial Accident Boards and Commissions.

No. 210. Third, Columbus, Ohio, April 25–28, 1916.
No. 248. Fourth, Boston, Mass., August 21–25, 1917.
No. 264. Fifth, Madison, Wis., September 24–27, 1918.
*No. 273. Sixth, Toronto, Canada, September 23–26, 1919.
No. 281. Seventh, San Francisco, Calif., September 20–24, 1920.
No. 304. Eighth, Chicago, Ill., September 19–23, 1921.
No. 333. Ninth, Baltimore, Md., October 9–13, 1922.
No. 359. Tenth, St. Paul, Minn., September 24–26, 1923.
No. 385. Eleventh, Halifax, Nova Scotia, August 26–28, 1924.
No. 395. Index to proceedings, 1914–1924.
No. 406. Twelfth, Salt Lake City, Utah, August 17–20, 1925.
No. 432. Thirteenth, Hartford, Conn., September 14–17, 1926.
No. 456. Fourteenth, Atlanta, Ga., September 27–29, 1927.
No. 485. Fifteenth, Paterson, N. J., September 11–14, 1928.

Proceedings of Annual Meetings of the International Association of Public Employment Services.

No. 192. First, Chicago, December 19 and 20, 1913; Second, Indianapolis, September 24 and 25, 1914; Third, Detroit, July 1 and 2, 1915.
No. 220. Fourth, Buffalo, N. Y., July 20 and 21, 1916.
No. 311. Ninth, Buffalo, N. Y., September 7–9, 1921.
No. 337. Tenth, Washington, D. C., September 11–13, 1922.
No. 355. Eleventh, Toronto, Canada, September 4–7, 1923.
No. 400. Twelfth, Chicago, Ill., May 19–23, 1924.

Proceedings of Annual Meetings of the International Association of Public Employment Services—Continued.

No. 414. Thirteenth, Rochester, N. Y., September 15–17, 1925.
No. 478. Fifteenth, Detroit, Mich., October 25–28, 1927.

Productivity of Labor.

No. 356. Productivity costs in the common-brick industry. [1924.]
No. 360. Time and labor costs in manufacturing 100 pairs of shoes, 1923.
No. 407. Labor cost of production and wages and hours of labor in the paper boxboard industry. [1926.]
No. 412. Wages, hours, and productivity in the pottery industry, 1925.
No. 441. Productivity of labor in the glass industry. [1927.]
No. 474. Productivity of labor in merchant blast furnaces. [1928.]
No. 475. Productivity of labor in newspaper printing. [1928.]

Retail Prices and Cost of Living.

*No. 121. Sugar prices, from refiner to consumer. [1913.]
*No. 130. Wheat and flour prices, from farmer to consumer. [1913.]
No. 164. Butter prices, from producer to consumer. [1914.]
No. 170. Foreign food prices as affected by the war. [1915.]
No. 357. Cost of living in the United States. [1924.]
No. 369. The use of cost-of-living figures in wage adjustments. [1925.]
No. 495. Retail prices, 1890 to 1928.

Safety Codes.

*No. 331. Code of lighting: Factories, mills, and other work places.
No. 336. Safety code for the protection of industrial workers in foundries.
No. 350. Specifications of laboratory tests for approval of electric headlighting devices for motor vehicles.
No. 351. Safety code for the construction, care, and use of ladders.
No. 375. Safety code for laundry machinery and operation.
No. 378. Safety code for woodworking plants.
No. 382. Code of lighting school buildings.
No. 410. Safety code for paper and pulp mills.
No. 430. Safety code for power presses and foot and hand presses.
No. 433. Safety codes for the prevention of dust explosions.
No. 436. Safety code for the use, care, and protection of abrasive wheels.
No. 447. Safety code for rubber mills and calenders.
No. 451. Safety code for forging and hot-metal stamping.
No. 463. Safety code for mechanical power-transmission apparatus. First revision.

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*No. 159. Short-unit courses for wage earners, and a factory school experiment. [1915.]
*No. 162. Vocational education survey of Richmond, Va. [1915.]
No. 199. Vocational education survey of Minneapolis, Minn. [1917.]
No. 271. Adult working-class education in Great Britain and the United States. [1920.]
No. 459. Apprenticeship in building construction. [1928.]

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*No. 146. Wages and regularity of employment and standardization of piece rates in the dress and waist industry of New York City. [1914.]
*No. 147. Wages and regularity of employment in the cloak, suit, and skirt industry. [1914.]
No. 161. Wages and hours of labor in the clothing and cigar industries, 1911 to 1913.
No. 163. Wages and hours of labor in the building and repairing of steam railroad cars, 1907 to 1913.
*No. 190. Wages and hours of labor in the cotton, woolen, and silk industries, 1907 to 1914.
No. 204. Street-railway employment in the United States. [1917.]
No. 225. Wages and hours of labor in the lumber, millwork, and furniture industries, 1915.
No. 265. Industries survey in selected industries in the United States, 1919.
No. 297. Wages and hours of labor in the petroleum industry, 1920.

Wages and Hours of Labor—Continued.

No. 356. Productivity costs in the common-brick industry. [1924.]
No. 358. Wages and hours of labor in the automobile-tire industry, 1923.
No. 360. Time and labor costs in manufacturing 100 pairs of shoes, 1923.
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No. 394. Wages and hours of labor in metalliferous mines, 1924.
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No. 435. Wages and hours of labor in the men's clothing industry, 1911 to 1926.
No. 438. Wages and hours of labor in the motor-vehicle industry, 1925.
No. 442. Wages and hours of labor in the iron and steel industry, 1907 to 1926.
No. 446. Wages and hours of labor in cotton-goods manufacturing, 1910 to 1928.
No. 450. Wages and hours of labor in the boot and shoe industry, 1907 to 1926.
No. 452. Wages and hours of labor in the hosiery and underwear industries, 1907 to 1926.
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*No. 123. Employers' welfare work. [1913.]
No. 222. Welfare work in British munitions factories. [1917.]
*No. 250. Welfare work for employees in industrial establishments in the United States. [1919.]
No. 458. Health and recreation activities in industrial establishments, 1926.

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No. 284. Index numbers of wholesale prices in the United States and foreign countries. [1921.]
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No. 453. Revised index numbers of wholesale prices, 1923 to July, 1927.
No. 493. Wholesale prices 1913 to 1928. (In press.)

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No. 116. Hours, earnings, and duration of employment of wage-earning women in selected industries in the District of Columbia. [1913.]
*No. 117. Prohibition of night work of young persons. [1913.]
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*No. 122. Employment of women in power laundries in Milwaukee. [1913.]
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*No. 167. Minimum-wage legislation in the United States and foreign countries. [1915.]
*No. 175. Summary of the report on condition of women and child wage earners in the United States. [1915.]
*No. 176. Effect of minimum-wage determinations in Oregon. [1915.]
*No. 180. The boot and shoe industry in Massachusetts as a vocation for women. [1915.]
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*No. 217. Effect of workmen's compensation laws in diminishing the necessity of industrial employment of women and children. [1918.]

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*No. 101. Care of tuberculous wage earners in Germany. [1912.]
*No. 102. British national insurance act, 1911.
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